

PRIVATE AND SPECIAL STATUTES

OF THE

COMMONWEALTH OF MASSACHUSETTS,

FROM JUNE 1814 TO FEBRUARY 1822.

REVISED AND PUBLISHED, BY

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PRIVATE AND SPECIAL

Statutes

OF

MASSACHUSETTS.

AN ACT in addition to an Act, entitled "An Act to incorporate The President, Directors and Company of the Springfield Bank."

Chap. 1.

(1813 ch. 90.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an act, entitled "An act to incorporate the President, Directors and Company of the Springfield Bank," as regards the times at which the Stockholders of said Bank are required to pay in their several instalments of the capital stock thereof, be, and hereby is repealed; and that the Stockholders of said Bank be, and hereby are required to pay in the several instalments of the capital stock of said Bank at the following periods, to wit: the first instalment on the first day of October next; the second on the first day of April next; the third instalment on the first day of October next after, and the fourth instalment on the first day of April next after. [June 2, 1814.] Further acts—1814 ch. 60: 1815 ch. 110: 1817 ch. 54. 115.

Act in part repealed.

AN ACT for the relief and to alter the name and stile of the third Massachusetts Turnpike Corporation.

Chap. 2.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act, entitled "An act in addition to the several acts establishing and regulating the third Massachusetts Turnpike Corporation," which was passed on the fifth day of February last, be, and the same hereby is repealed.

Act repealed.
(1813 ch. 93.)

SECT. 2. *Be it further enacted,* That the said Corporation shall henceforth be known and called by the name and stile of the Worthington Turnpike Corporation. [June 3, 1814.]

AN ACT establishing the Haverhill Cotton and Wool Manufactory.

Chap. 3.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Gage, James How, William Dole, Richard H. Kimball, Benjamin Clark, Edward Brown, Benjamin Emerson, Jun. and Solomon Nelson, Jun. with such other persons as al-

Persons incorporated.

ready have, or hereafter may associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Haverhill Cotton and Wool Manufactory, for the purpose of manufacturing cotton and woollen yarn and cloth, within the town of Haverhill, and for such purposes, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of thirty thousand dollars, and such personal estate not exceeding eighty thousand dollars, as may be necessary for the purposes aforesaid. [June 7, 1814.]

May hold real and personal estate.

Chap. 4.

An ACT to incorporate the Chester Glass Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jesse Farnam, Harvey Champion, John Dewey, Charles Douglas, Thomas Mather, David King, Leister King, Benjamin Hastings, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of the Chester Glass Company, for the purpose of manufacturing glass in the town of Chester, in the county of Hampden; and for the purpose aforesaid, shall have all the powers and privileges, and shall be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 7, 1814.]

May hold real and personal estate.

Chap. 5.

An ACT to incorporate the Ashburnham Cotton Factory Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Cushing, Jun. Josiah Lane, Benjamin Barrett and Charles Barrett, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of the Ashburnham Cotton Factory Company, for the purpose of manufacturing cotton yarn, thread, cloth and other cotton goods, in the town of Ashburnham, in the county of Worcester; and by that name shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said Corporation may lawfully hold and possess, for the purposes aforesaid, real estate to the value of twenty thousand dollars, and personal estate to the value of sixty thousand dollars. [June 7, 1814.]

May hold real and personal estate.

An ACT to establish the Free Christian Society in Berkley.

Chap. 6.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Zephaniah Jones, Edmund Burt, Henry Tew, Phillip Tew, Dan Tew, John Tew, Hathaway Tew, Darius Phillips, John Phillips, Joseph Dean, Aaron Nichols, Ebenezer Peirce, Jr. Marick Tew, Barnabas Cudworth, David Cudworth, Job Briggs, William Evans, John Goff, Avery Winslow, George Briggs, Joseph Briggs, Samuel Paull, Ebenezer Paull, 2d, Ahasuerus Paull, Ephraim Caswell, Phillip Caswell, John Burt, Venus Macomber, Elisha Peirce, Jun. William Harvey, Dean Jones, Joseph Atwood, Alanson Cummings, Hannah Burt, Joseph Burt, Weston Westcoat, with their families and estates, together with such others, as may hereafter associate with them and their successors, in the manner provided by this act, be, and they are hereby incorporated as a religious society, by the name of the Free Christian Society in Berkley, with all the powers and privileges exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth: *Provided*, That all such persons shall be holden to pay all monies granted and legally assessed in said town of Berkley, for parochial purposes, prior to the passing of this act.

Persons incorporated.

Proviso.

SECT. 2. *Be it further enacted*, That any person, who may desire to become a member of the said Free Christian Society, shall declare such intention to the Clerk or Committee of said Society, fifteen days at least previous to their annual meeting; and if such person do receive and can produce a certificate of admission, signed by the Clerk or Committee, that such person has united with and actually become a member of said Free Christian Society, and shall also leave an attested copy of the said certificate with the Clerk of the Parish or Society to which he or she formerly belonged, such person from the time of leaving a copy of said certificate with the Clerk of the Parish or Society to which he or she formerly belonged, shall be considered, with his or her polls and estate, a member of the said Free Christian Society; *Provided, however*, That every such person shall be holden to pay his or her proportion of all parochial expences in the Society to which such person belonged, assessed, and not paid, previous to leaving such Society.

Manner of becoming a member.

Proviso.

SECT. 3. *Be it further enacted*, That when any member of the said Free Christian Society may see cause to leave the same, and unite with any other religious Society, he or she shall give notice of such intention to the Clerk or Committee of such other Society, fifteen days at least previous to the annual meeting, and if such person receive and can produce a certificate of admission, signed by the Clerk or Committee of such other religious Society, that such person has united with and

actually become a member of the said other Society, and shall also leave an attested copy of the said certificate with the Clerk of the said Free Christian Society, such person having paid his or her proportion of all monies voted to be raised in said Free Christian Society previous thereto, shall, from the time of leaving a copy of said certificate with the Clerk of said Free Christian Society, be considered with his or her polls and estate as a member of said other Society.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Bristol, be, and hereby is authorised to issue a warrant, directed to some member of said Free Christian Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose all such officers as religious Societies have a right to choose at their annual meetings. [June 7, 1814.]

Chap. 7.
(1813 ch. 16.)

An ACT in addition to an act, entitled “An act to incorporate certain persons by the name of the Medford Wire Factory.”

Powers enlarg-
ed.

SECT. 1. *BE it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the powers heretofore granted to the Medford Wire Factory be, and they hereby are so far enlarged, as that the said Corporation may hereafter carry on as well the manufacture of screws as of wire: *Provided however*, That the capital stock, vested in the said additional branch of manufacture, shall at no time exceed the sum of fifty thousand dollars.

Proviso.

SECT. 2. *Be it further enacted*, That the said Corporation shall henceforth be known and called by the name of the Medford Wire and Screw Factory. [June 7, 1814.]

Chap. 3.

An ACT to incorporate the Athol Manufacturing Company.*

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer Nickerson, Ammi Cutter, Aaron Brigham and Adin Holbrook, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Athol Manufacturing Company, for the purpose of spinning cotton and wool, and manufacturing cotton and woollen cloth and yarn, in the town of Athol, in the county of Worcester; and for the purposes aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “An Act defining the general powers and duties of Manufacturing Corporations.”

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 9, 1814.]

Chap. 9.
(1802 ch. 110.)
(V. 3. p. 161.)

An ACT in addition to an act, entitled “An act to incorporate William Gray, Jun. Esq. and others, into a Company, by the name of the Essex Fire and Marine Insurance Company.”

BE it enacted by the Senate and House of Representatives, in Gen-

eral Court assembled, and by the authority of the same, That the Essex Fire and Marine Insurance Company be, and they hereby are authorised and empowered to invest in real estate, the sum of one hundred thousand dollars of their capital stock, for the use of said Company, any thing contained in the act, entitled “An act to incorporate William Gray, Jun. Esq. and others, into a Company, by the name of the Essex Fire and Marine Insurance Company,” to the contrary notwithstanding. [June 9, 1814.] Add. act—1822 ch. 74.

To invest in real estate.

An ACT to incorporate the Dalton Cotton and Paper Manufacturing Company.

Chap. 10.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Henry Marsh, Martin Chamberlain, Daniel Boardman, Dan Chamberlain, Zenas Crane, Thomas Holden, and Trumbull Dorrance, together with such others as have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of the Dalton Cotton and Paper Manufacturing Company, for the purpose of manufacturing cotton yarn, cotton cloth, and paper, in the town of Dalton, in the county of Berkshire; and for the purposes aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “An act defining the general powers and duties of Manufacturing Corporations.”

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted, That* said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of thirty thousand dollars, and such personal estate not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid. [June 9, 1814.]

May hold real and personal estate.

An ACT to incorporate the north part of the town of Dighton into a separate town by the name of Wellington.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* all the lands comprised within the limits of the following lines and boundaries in the town of Dighton, in the county of Bristol, with all the inhabitants dwelling therein, viz: on the south by Segreganset river, beginning at its mouth and ending at the second Bridge across the same, in the highway leading from the lower street, westerly by Thomas B. Richmond, Esq. on the north side of said highway to the upper street, then by the north side of the road running westerly from said upper street by Constant Simmonds and Samuel Briggs the first three rods west of Abizer Briggs' dwelling-house; then northerly in a direct line three rods easterly of the dwelling-house of Peter W. Paul; then in a direct line northerly six rods east of the dwelling-house lately owned by Jeremiah Bowen; thence westerly on the south side of the road, leading by Daniel Withere'll's in a direct course to Rehoboth line; thence following the line of division between Dighton and Rehoboth until it reaches Taunton boundary line; thence on the boundary line

Boundaries described.

Town incorpo-
rated.

Support of the
poor.

To pay arrears.

Proviso.

Justice to issue
warrant.

of Dighton and Taunton to its termination at Taunton great river; thence by said river to the mouth of Segreganset, where the bounds began, be, and they hereby are incorporated into a town, by the name of Wellington, and vested with all the powers, privileges, and immunities, and subject to all the duties and requirements of other incorporated towns agreeable to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That all the expences arising for the support of the poor of said town of Dighton, with which it is now chargeable shall be equally divided between the towns of Dighton and Wellington, and all such poor as have removed out of said town of Dighton prior to this act of incorporation, but who may hereafter be lawfully returned to said town for support, shall be supported by the town of Dighton, or by the town of Wellington where their former inhabitancy will lawfully settle them; and when the said town of Wellington shall be organized, the paupers, whether the same be supported in whole or in part only, shall be divided as nearly as may be, and one half of the number delivered over to the Overseers of the poor of that town, to be by them supported.

SECT. 3. *Be it further enacted*, That the inhabitants of said town of Wellington shall be holden to pay all arrears of taxes, which have been assessed upon them by said town of Dighton, and shall be entitled to receive, hold and enjoy, such proportion of all debts now due, and assessments already voted to said town of Dighton, and such proportion of all the privileges or property, real or personal, belonging to said town of Dighton, of what kind soever it may be, now owned in common by the inhabitants of said town, as the property of the inhabitants of said town of Wellington bears to the property of all the inhabitants of said town of Dighton, according to the last valuation thereof; and they shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts now due and owing from said town of Dighton.

SECT. 4. *Be it further enacted*, That in case the dividing line between said town of Dighton and said town of Wellington should happen to divide the farms of any of the inhabitants of either of said towns, the said inhabitants shall be taxed for the whole of their home farms in that town only where they may respectively dwell: *Provided, also, and be it further enacted*, That nothing in this act shall be construed so as to alter any parochial boundary, ministerial fund, burying ground, or any religious institution connected with any of the inhabitants of said town of Dighton.

SECT. 5. *Be it further enacted*, That Thomas Baylies Richmond, Esq. one of the Justices of the Peace for the county of Bristol aforesaid, upon application therefor, be, and he hereby is authorised to issue his warrant directed to any freeholder of said town of Wellington, requiring him to notify and warn the inhabitants thereof to meet at such time and place as shall or may be appointed in said warrant for the election of all such town officers, as towns are by law authorised to choose at their annual town meetings. [June 9, 1814.]

An ACT to incorporate the Northbridge Cotton Manufacturing Company.

Chap. 13.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Paul Whitin, James Fletcher, Samuel Fletcher, Pliny Earle, Jonah Earle, Silas Earle, Timothy Earle, Charles Sabin, John Sabin and Joel Lackey, with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Northbridge Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Northbridge; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for the carrying on the manufacture aforesaid. [June 9, 1814.]

May hold real and personal estate.

An ACT to establish the Farmers' Glass Factory.

Chap. 16.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Aldrich, John Sherman, Isaac Sherman, Rufus Darling, Asa Southwick and Ebenezer Pratt, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of the Farmers' Glass Manufacturing Company, in Clarksburgh, in the county of Berkshire, for the purpose of manufacturing glass in said Clarksburgh; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act passed the third day of March, in the year of our Lord eighteen hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of ten thousand dollars, and such personal estate not exceeding twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 9, 1814.]

May hold real and personal estate.

An ACT to alter and establish the boundary line between the towns of Tyngsborough and Dunstable, in the county of Middlesex.

Chap. 17.

1797 ch. 33.

(V. 2. p. 187.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the boundary line between the towns of Tyngsborough and Dunstable, in the county of Middlesex, shall forever hereafter be known, fixed and established to be as follows. to wit: to begin at the Pro-

Boundary line. vince line, at the westerly side of Cummings Pollard's land; thence running southerly to a pine stump, known and called Well's corner, by the easterly side of Samuel Roby's land; thence by said Roby's land to Isaac Wright's land; thence by the easterly side of said Wright's land, and by the easterly side of Jonathan Procter's land, to a stake and stones, it being said Procter's southeasterly corner; thence easterly to the present line between said towns; thence southerly on the present line to Robert Brindley's land; thence westerly by the northerly side of said Brindley's land to Massapog Pond; the said town of Tyngsborough being on the easterly and southerly side of said line, and the said town of Dunstable being on the westerly and northerly side of said line: and the above described line shall forever hereafter be known, fixed and established to be the true boundary line between said towns, any law to the contrary notwithstanding. [June 10, 1814.]

Chap. 18.

An ACT to set off Joseph Robinson from New-Braintree to Hardwick.

Persons set off
from town of
New-Brain-
tree.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Robinson, of New Braintree, in the county of Worcester, together with his family, and so much of his farm as now lies in New Braintree, and west of Ware River, be, and they are hereby set off from the said town of New Braintree and annexed to the town of Hardwick; and shall forever hereafter be subject to all the duties, and entitled to all the privileges of citizens and inhabitants of the town of Hardwick: *Provided however,* That the said Joseph Robinson and his family shall be liable to pay all taxes that have been lawfully assessed on him or them by the said town of New Braintree.

Proviso.

Polls and real
estate deduct-
ed.

SECT. 2. *Be it further enacted,* That the amount of the estate of the said Robinson, and the polls thereon returned by the assessors of the said town of New-Braintree, in the last valuation taken, as belonging to the said town of New-Braintree, be deducted from the return made by said assessors, and added to the return made by the assessors of the town of Hardwick. [June 10, 1814.]

Chap. 19.

An ACT to incorporate the Hampshire Agricultural Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Robert Cutler, Calvin Merrill, Rufus Cowles, Samuel F. Dickinson, Hezekiah W. Strong, Enos Baker, John Strong, Elijah Boltwood, Simeon Strong, Giles C. Kellogg, Horace Merrill, Charles Phelps, and Isaac Abercrombie, their associates and successors, be, and they are hereby made a Corporation, by the name of the Hampshire Agricultural Society, for the purpose of promoting agriculture; and for this purpose shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated Agricultural Societies in this Commonwealth; and the Corporation may hold and possess real estate, not exceeding the value of five thousand dollars, and the annual income of

May hold real
and personal
estate.

its personal estate shall not exceed the value of three thousand dollars.

SECT. 2. *Be it further enacted*, That any Justice of the Peace for the county of Hampshire, is hereby authorized to issue a warrant, directed to one of the members before named, requiring him to notify and warn the first meeting of said Society, to be held in Amherst, in said county, at such convenient time and place in said town as may be appointed in said warrant, to organize the said Society, by electing the necessary officers, and forming rules and regulations for the government of the Society. [June 11, 1814.]

Justice to issue warrant.

An Act in addition to an act, entitled "An Act to establish a fund for the support of the Gospel Ministry in the first Parish of the town of Groton, in the county of Middlesex, and to appoint Trustees for the management thereof."

Chap. 21.
1803 ch. 86.
(V. 3. p. 318.)

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Groton be, and they are hereby authorised and empowered to sell, and execute a deed or deeds (by Luther Lawrence, Joseph Moors, and James Lewis, all of said Groton, or any two of them, a committee for that purpose) to convey the whole of the real estate devised to said town in and by the last will and testament of Josiah Sawtelle, Esq. late of said Groton, deceased, for the support of a woman's school in said town, as expressed in said will; and such deed or deeds, executed in due form of law, shall be valid and effectual to convey such real estate; and the proceeds of such sale, deducting therefrom the expences thereof, shall be paid by said committee to the trustees of Groton ministerial fund; and the same shall be denominated the "Sawtelle School Fund."

Inhabitants empowered to sell and execute a deed.

SECT. 2. *Be it further enacted*, That it shall be the duty of said trustees to receive the proceeds of said sale from said committee; and the said trustees shall loan, secure and preserve the same, in the same way and manner as is provided in an act, entitled "An Act to establish a fund for the support of the Gospel Ministry in the first Parish in the town of Groton, in the county of Middlesex, and to appoint trustees for the management thereof," to loan, secure and preserve the Groton ministerial fund.

Duty of Trustees.

(1803 ch. 86.)

SECT. 3. *Be it further enacted*, That the said trustees shall annually, forever hereafter, appropriate the income of the Sawtelle school fund for the support of a woman's school in the district in which said real estate is situated, according to the intention of the donor, as expressed in said will.

Appropriation of income for the support of a school.

SECT. 4. *Be it further enacted*, That the said trustees shall cause to be recorded in a book to be kept for that purpose by their clerk, a statement of the Sawtelle school fund, and the said trustees shall make a report in writing, of such statement, to said inhabitants at their meeting in the month of March or April annually.

Statement of the fund.

SECT. 5. *Be it further enacted*, That the said trustees shall be liable to the same penalties and forfeitures for negligence or misconduct in the management or disposition of the Sawtelle

Penalties and forfeitures.

school fund, to which they are liable for negligence or misconduct in the management or disposition of the Groton ministerial fund, by virtue of the act last mentioned.

To recover penalties and forfeitures.

SECT. 6. *Be it further enacted,* That the inhabitants of said town may sue for and recover, in an action of debt against the said trustees, the penalties and forfeitures, which the said trustees may incur by reason of their negligence or misconduct in the management or disposition of the Sawtell school fund; and the penalties and forfeitures, recovered as aforesaid, shall enure to, and be for the benefit of the Sawtell school fund. [June 13, 1814.]

Chap. 22.
1797 ch. 58.
(V. 1. p. 191.)
1792 ch. 88.
(V. 1. p. 451.)
1796 ch. 66.
(V. 2. p. 128.)
1804 ch. 90.
(V. 3. p. 524.)
1810 ch. 117.
1812 ch. 127.

An ACT in addition to an act, entitled "An Act to prevent the destruction of Alewives and other fish in Ipswich river, and to encourage the increase of the same, passed the twenty eighth day of March, in the year of our Lord one thousand seven hundred and eighty eight.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person to take any of the fish called Shad or Alewives, within four rods next below the foot of a sluiceway, nor within two rods of the side of a sluiceway of any mill dam or dams, now erected, or hereafter to be erected, on that part of said Ipswich river, which lies below Flint's or Merriam's mills, (except Burnham's mills, so called) or any stream or streams running from any natural pond into said river, (except Mile's river, so called); and any and every person so offending, shall forfeit and pay a fine of five dollars.

Taking of Alewives unlawful.

Fine and forfeiture.

Shall not place obstructions in the river.

SECT. 2. *Be it further enacted.* That each and every person who, after the passing of this act, shall make any wear, or place any other obstruction in said river, or in the flooms of any mills, for the purpose of hindering or retarding the passage of said fish, shall forfeit and pay for each and every such offence, a fine not exceeding twenty dollars, nor less than ten dollars.

Place and time appointed for taking fish.

SECT. 3. *Be it further enacted,* That no person shall be allowed to use any machinery for taking said fish, other than dip or drag nets and seines (nor in any place in the aforesaid river and streams, excepting such places as are appointed and allowed by the fish committee of the respective towns bordering upon said river) nor shall any person take any of said fish with seines or drag nets in said river and streams, between eight of the clock in the evening and sun rising; and every person who shall offend, in either of the above particulars shall, for each and every such offence, forfeit and pay a sum not exceeding twenty dollars, nor less than ten dollars.

Manner of recovering fines and forfeitures.

SECT. 4. *Be it further enacted.* That all fines and forfeitures, which may be incurred by any breach of this act, shall be recovered and disposed of, in the same manner as is provided in the act, to which this is in an addition, and that it shall be the duty of the fish committees in the several towns bordering upon Ipswich river, jointly or severally, to cause this act to be duly observed, and to inform against any person or persons, who may offend against the said act. [June 13, 1814.]

An ACT to incorporate the President, Directors and Company of the Pawtucket Bank. Chap. 23.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Oliver Starkweather, Benjamin S. Wolcot, James Ellis, Eliphalet Slack, Lemuel Bishop, Remember Kent, Elijah Ingraham, David Bucklin, Abiathar Richardson, jun. Jubel Ingraham and Jesse May, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of President, Directors and Company of the Pawtucket Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any courts of record, or any place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs: *Provided*, such by-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Persons incorporated.

Time incorporated for.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in four equal instalments; the first on the first day of November next; the second on the first day of June next after; the third on the first day of December next after, and the fourth on the first day of June next after; And the stockholders, at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns: and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns. lands, rents, tenements and hereditaments, to the amount of thirty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting, on banking principles, on such security as they shall think proper: *Provided however*, That nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate, in mortgage or on execution, to any amount, as security for, or in payment for any debt due to the said corporation: *And provided further*, That no money shall be loaned or discounts made, nor shall any bills or promissory notes, be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in their vaults, shall amount to twenty-five thousand dollars.

Amount of capital stock and of each share.

(Altered by
1814 ch. 65.
1815 ch. 93.
1817 ch. 68.
1818 ch. 51.)

Proviso.

(1811 ch. 94.) **SECT. 3.** *Be it further enacted,* That the rules, limitations and provisions which are provided in and by the third section of an act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established; *Provided,* That the bond required to be given by the Cashier, shall be given in the penalty of twenty thousand dollars, and the number of Directors to be annually chosen shall be nine, five of whom at least shall be inhabitants of and residents in this Commonwealth, and accountable for the doings of the whole board, and five also may constitute a quorum for the transacting of business; *and provided also,* That the amount of debts at any time due from said bank, shall not exceed double the amount of their capital stock actually paid in.

Debts not to exceed double the amount of capital stock.

SECT. 4. *Be it further enacted,* That the said bank shall be established and kept in the town of Seekonk.

Shall loan to the Commonwealth.

SECT. 5. *Be it further enacted,* That whenever the Commonwealth may require it, the said corporation shall loan to the Commonwealth, any sum of money which may be required, not exceeding twenty thousand dollars at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payments of interest, at a rate not exceeding five per centum per annum: *Provided however,* That the Commonwealth shall never, at any one time stand indebted to said corporation, without their consent, for a larger sum than thirty thousand dollars.

Proviso.

Legislative committee may examine books, &c.

SECT. 6. *Be it further enacted,* That any committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded the powers, herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, the incorporation shall thereupon be declared forfeited and void.

May call a meeting.

SECT. 7. *Be it further enacted,* That the persons herein before named, or a majority of them, are authorised to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, by advertising the same three weeks successively in the New-Bedford Mercury, printed in New-Bedford, and by posting notifications in one or more public places in the town of Seekonk, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Shall transmit statement of accounts.

SECT. 8. *Be it further enacted,* That it shall be the duty of the Directors of said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, ac-

curate and just statements of the amount of the capital stock of said corporation, and of the debts due the same, of the monies deposited therein, and of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors and attested by the Cashier, and shall be verified by oath before some person competent to administer the same.

SECT. 9. *Be it further enacted*, That the Commonwealth shall have a right whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the Legislature made and established as to the management thereof.

Commonwealth may subscribe.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount on any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Shall pay altered notes.

SECT. 11. *Be it further enacted*, That the said corporation, from and after the first day of April next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Mondays of April and October annually, the half of one per cent. on the amount of the original stock which shall have actually been paid in: *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks hereafter incorporated within this Commonwealth; *and provided further*, That nothing herein contained shall be construed to impair the rights of the Legislature, to lay a tax or excise upon any bank already incorporated under the authority of this Commonwealth, whenever they may think proper so to do.

Proviso.

SECT. 12. *Be it further enacted*, That one tenth part of the whole fund of said bank shall always be appropriated to loans, to be made to the citizens of this Commonwealth, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest; which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate, to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases. [June 13, 1814.] Add. acts —1814 ch. 65: 1815 ch. 93: 1817 ch. 68: 1818 ch. 51.

Amount to be appropriated to loans.

Security.

An ACT to establish a Corporation by the name of the Granville and Tolland Turnpike Corporation.

Chap. 24.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*. That Gad Hamilton, Allen Bidwell, Jonathan Hamilton and Perry Babcock, together with such other persons as shall associate with them, their successors and assigns, be, and they

Persons incorporated.

hereby are made a corporation and body politic, by the name of the Granville and Tolland Turnpike Corporation, for the purpose of making a turnpike road on the route, which the sixteenth Massachusetts Turnpike Corporation contemplated from the west line of West Springfield to Southwick Meeting-house; thence westward to Tolland by the east and west Meeting-houses in Granville; thence by Tolland Meeting-house to the turnpike road in Sandersfield, leading from Hartford to Albany, with such alterations from the former laying of said road as the corporation may agree to, and for keeping the same in repair; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled, "An Act defining the general powers and duties of Turnpike Corporations," made and passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any acts which have been made in addition thereto: *Provided*, That the said corporation may, and they hereby are authorized to make the travelled part of said road only eighteen feet in width, any thing in the said general Turnpike Act to the contrary notwithstanding. [June 13, 1814.]

(1804 ch. 125.)

Proviso.

Chap. 35.

An Act to annex William Fairbanks, Jesse Gay and Aaron Hiscock, with their families and estates to the third Parish in Dedham.

To annex persons to the third parish in Dedham.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Fairbanks, Jesse Gay, and Aaron Hiscock, with their families and estates, be and hereby are set off from the second to the third Parish in Dedham, and shall hereafter be considered as a part of the same: Provided nevertheless, That the said Fairbanks, Gay, and Hiscock, shall be holden to pay their proportionable part of all taxes, which, prior to the passing of this act, have been assessed and remain unpaid. [June 14, 1814.]

Chap. 37.

1800 ch. 16.

(V. 2. p. 393.)

Authorized to remove their gate.

Proviso.

An Act in addition to an Act, entitled, "An Act establishing the tenth Massachusetts Turnpike Corporation."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tenth Massachusetts Turnpike Corporation be, and they hereby are authorized to remove their gate, standing near the house of Augustus Staunton in Hancock, in the county of Berkshire, west, to or near the Cold Spring, so called, in said Hancock, and when so removed, said corporation are authorized to demand and receive the same rate of toll at said gate, as by law they may now receive at their other gates: Provided however, That the inhabitants of Pittsfield, Hancock, and Richmond, the Shakers at New-Lebanon, in the State of New-York, and also, all persons passing said gate who have travelled through the Shaker Village, in said Hancock, or from West-Stockbridge through Richmond, or who may be passing from New-Lebanon through Richmond to West-Stockbridge, or through the Shaker Village in Hancock, shall be wholly exempt from paying toll at said gate.*

SECT. 2. *Be it further enacted*, That it shall be the duty of said Corporation, to erect in a conspicuous place at their gate aforesaid, a board with these words thereon, in large and legible characters, "persons passing through West-Stockbridge or the Hancock Shaker Village, pay no toll." Toll free.

SECT. 3. *Be it further enacted*, That every traveller being about to pass said gate, and claiming to be exempt by the provisions of this act from the payment of toll, shall, if required by the toll gatherer, state the road he has travelled or is travelling; and whoever shall, for the purpose of avoiding the payment of toll at said gate, willfully give a false account to said toll gatherer, and thereby pass the gate toll free, shall forfeit and pay to the use of said corporation, for every such offence, the sum of ten dollars, to be recovered by the Treasurer of said corporation by action of debt. Fine and forfeiture.

SECT. 4. *Be it further enacted*, That said corporation may purchase and hold real estate to the value of three thousand dollars, in addition to the sum they are now by law authorized to hold. [June 14, 1814.] Further act—1819 ch. 63. May hold real estate.

AN ACT to establish The Boston and Roxbury Mill Corporation.

Chap. 39.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac P. Davis, Uriah Cotting, and William Brown, their associates, successors and assigns, be, and they are hereby made a body politic and corporate, by the name of The Boston and Roxbury Mill Corporation; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution: And said corporation shall have power to make and use a common seal, and the same to break and alter at pleasure, and may from time to time make by-laws for the regulation of the affairs of the corporation; *Provided*, That the same be not repugnant to the laws of the Commonwealth; may purchase and hold real and personal estate, (not exceeding in value two millions of dollars) necessary to promote the objects of the corporation; and in general, may do and suffer all other acts and things, which bodies corporate may or ought to do and suffer. Persons incorporated.

SECT. 2. *Be it further enacted*, That said corporation shall have power to build a Dam from Charles-Street, at the westerly end of Bacon-Street in Boston, to the upland at Sewall's Point, so called, in Brookline, and as near as may be to the north side of tide-mill creek, which Dam shall not be less than forty-two feet wide on the top, and made so as effectually to exclude the tide water, and to form a reservoir or empty basin of the space between said Dam and Boston neck; and said corporation shall have power to build a Dam from Boston to South Boston, not northerly or easterly of South Boston bridge, with gates, sluiceways, and other things necessary to admit and detain the tide water between said Dam and Boston neck, at the height of common tides; and shall make in said Dam a good and sufficient lock, for the passage of rafts containing not less than ten thousand feet of timber or boards, of vessels and boats, Proviso.

May hold real and personal estate.

May build a Dam.

Proviso.

burthen from ten to one hundred and fifty tons, and boats and barges of any dimensions, loaded with powder, to and from said basin, free of toll: *Provided*, that no vessel of less than fifty tons burthen, shall have a right to pass said lock, at any other time than at or near high water; all vessels however lying in said basin, paying to said corporation the customary dockage of the town of Boston, excepting where they shall lay at the wharves of any person, who in such case may charge and receive the same to their own account. And the said corporation may run a Dam from Gravelly point in said Roxbury, to the Dam first above described, so as to inclose the tide water within tide mill creek, and may connect the same with the full basin on the east, by a canal, of at least one hundred feet wide, to be cut in some convenient place from said creek to the canal by Davis' works in said Roxbury, and may raise the banks of said canal and dike, the borders of the marshes on the easterly bank of said creek, so as to prevent the tide from flowing at any time into the empty basin, and boats and other things may pass and repass in said canal at all time free of toll. And if said corporation shall fail for the space of three years, from the passing of this Act, to secure the tide waters as aforesaid, within said tide mill creek, and to connect said creek to the said full basin on the east as is above described, then the Legislature may compel the execution thereof, upon such terms, and under such penalties and forfeitures, as it may think proper to impose. And the said corporation may cut any number of convenient race ways, from the full basin to the empty basin aforesaid, may maintain and keep up all their said works forever, and may lease or sell the right of using the water, and upon any terms, and in any manner they may think proper; and no person shall have a right to dispose of said water, without the consent of said corporation.

Boats may pass free of toll.

Penalties and forfeitures.

May lease and sell the right of using the waters.

May make a road.

Proviso.

(Altered by—
1816 ch. 49.
1819 ch. 65.)

SECT. 3. *Be it further enacted*, That the said corporation shall have power to make and finish the Dam, in this Act first mentioned, and connect the different parts thereof by bridges and causeways, so as to render the same a good and substantial road, suitable for the passing of men, loaded teams, carts, and carriages of all kinds, and shall open a road not more than eighty feet and not less than forty-two feet wide, from some point of said Dam, where it crosses the marshes in Brookline, to the end of the Worcester Turnpike, near the Punch-bowl tavern, so called, in said Brookline, which road shall be made in a straight line, as nearly as can be done with convenience; and when the road on said Dam shall be finished, railed at the sides, and furnished with lamps to the satisfaction of the selectmen of Boston, the said corporation may receive toll for passing over the same, at the same rate as is now granted to the Proprietors of the West Boston Bridge: *Provided*, That no toll shall be received as aforesaid, until said Dam, and the Dam from Boston to South Boston, with the lock therein shall be completed, in a substantial manner, so as effectually to answer the purposes intended and set forth in the second section of this Act. And if said corporation or some person under them.

shall not, within five years from the passing of this Act, establish mills, employing a power equal to turning twenty pair of common mill stones, the Legislature may suspend, as long as it shall think proper, the right of said corporation to take any toll as aforesaid. And the proprietors of the marshes in Brookline shall have the privilege of passing free of toll to and from their marshes, from and to the upland in Brookline, over said road or Dam, and the said corporation shall make and maintain, at its own expense, a suitable number of sloping bridges, leading from the sides of said road and Dam to the surface of the marsh land, and convenient to carry off the hay.

Toll free to the proprietors of marshes in Brookline.

SECT. 4. *Be it further enacted*, That the said corporation shall be entitled to all the advantages and benefits of the engagements of the town of Boston with the petitioners of this present Act, as the same are expressed in the doings of said town at its meetings of the eleventh of June and twentieth of October last past; but shall have and enjoy the same however, upon the same terms and conditions, and subject to all the restrictions, expressed in the report of said town committee, and accepted and recorded by the said town, at its meeting last above-mentioned.

Rights and privileges.

SECT. 5. *Be it further enacted*, That the Board of Health of the town of Boston, be, and hereby is authorized and empowered to cause the flats, on the westerly side of Boston, within said empty basin, or any portion of them, to be kept constantly covered with water, if in the opinion of said Board, it shall be necessary to the health of the inhabitants of said town; and for that purpose to cause a Dam of a suitable height, at their discretion, to be placed and kept at the sluice gate or gates in the principal Dam of said empty basin, in order to retain the water therein, at the sole expense of said corporation.

Board of Health authorized to cover flats with water.

SECT. 6. *Be it further enacted*, That any person or corporation, sustaining any damage by the building of said Dams, bridges or causeways, or from cutting said canal or race ways, or from the exercise of any of the rights and powers, herein given to said corporation, may apply (if within one year from the time any such damage may have happened) to the Court of Common Pleas for the county in which the land lies, for a committee to be appointed to estimate the damage, and upon such application, the Court after thirty days notice to said corporation to appear, and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders within the same county, at the expense of said corporation, which committee being first duly sworn before some justice of the peace, to be nominated by said Court, and giving due notice to both parties to appear, if they see fit, for a hearing before them, shall proceed to the duties of their appointment; and they shall first inquire, whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and where the damage is annual, they shall so declare the same in their report, and shall make return of their doings as soon as may be, into the said Court, and upon the accep-

May appoint a committee to estimate damage.

Proviso.

tance of said report, judgment may be given thereon, with reasonable costs to the party prevailing: *Provided however*, That either party after the return of said report, may claim a trial by jury, and the Court shall thereupon stay judgment on said report; and upon such application for a jury, the Court shall issue a warrant to the sheriff of the same county, or if the sheriff shall be interested, then to some coroner, by name, who is not interested, directing him to summon a jury of twelve good and lawful men, which jury shall be sworn, and in all things shall proceed as is above directed, as to said committee, due notice to the parties being first given by the officer, of the time and place of their meeting; and their verdict shall be sealed up, and the officer shall return the same into Court, and judgment may be entered thereon: And if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs; and upon any judgment rendered upon the report of such committee on the verdict of such jury, the Court may issue its execution accordingly, and also from year to year where the damages awarded are annual, on motion of the party entitled thereto, and an action of debt may be maintained on such judgment; and if upon notice to said corporation as aforesaid, to shew cause why such committee should not be appointed, said corporation shall appear and deny the applicants title to the land damaged, or claim a title to do what is complained of, without the payment of damages, or for an agreed composition, the Court shall first order a trial of the issue at the bar of said Court, or if there be an issue in law, shall try it themselves; and in either case, either party may appeal to the Supreme Judicial Court, as in other cases; and a certificate of the determination of the Supreme Judicial Court on such appeal, in favour of the original applicant, shall be filed in said Court of Common Pleas, before such committee shall be appointed; and where annual damages are awarded by said committee, or said jury, and judgment had accordingly, each party shall be entitled, after two years, to apply to said Court of Common Pleas, for an increase or decrease of said damages; and thereupon the same proceedings shall be had, as upon the original application.

Costs, &c.

Capital stock
and number
of shares.

SECT. 7. *Be it further enacted*, That the stock and property of said corporation shall be divided into three thousand five hundred shares, certificates of which shall issue under the seal of the said corporation, and be signed by the President and Treasurer thereof, and said shares shall be deemed and taken to be personal estate, and may be transferred by deed acknowledged before some justice of the peace, and recorded by the clerk of said corporation in a book to be kept for that purpose; and the original subscription, for at least fifteen hundred shares, shall be public, and continue open at least ten days, or until the whole shall be subscribed for, the time and place for which shall be regulated as hereafter provided.

SECT. 8. *Be it further enacted*, That Isaac P. Davis, Uriah Cotting and William Brown, or the major part of them, may call the first meeting of said corporation, by giving seasonable notice of the time and place for the same, in the Columbian Centinel and Independent Chronicle, printed in Boston; and at the said meeting there shall be appointed, by a majority of votes, a clerk, who shall be duly sworn to record the doings thereof; and also a committee of five persons, who shall direct the time and place for opening the public subscriptions for at least fifteen hundred shares as abovementioned, and shall appoint some person or persons to superintend the same; and shall also direct the manner in which the other shares may be subscribed for: *Provided*, That no person, in any case, shall subscribe for more than fifty shares; and when two thousand shares shall be subscribed for, the said committee shall notify the subscribers to meet at some convenient time and place for the purpose of more fully organizing and arranging the affairs of said corporation, at which meeting every person shall be entitled to a number of votes equal to his number of shares; and the powers and duties of the President and other officers and servants of the corporation, together with the time and manner of choosing, and the number of the same may be regulated by the by-laws of the corporation.

May call a meeting.

Proviso.

SECT. 9. *Be it further enacted*, That the said corporation, or its officers, duly authorized, by its by-laws may make assessments upon the shares subscribed for, for the purpose of effecting the objects of the corporation, and for any other necessary purpose; *Provided however*, That the whole amount of the assessments on each share shall not exceed the sum of one hundred dollars, after deducting the amount of any dividends previously declared thereon; and in case the amount of one hundred dollars, so assessed upon each share, will not supply the necessary funds, the corporation or its officers duly authorized, may raise the funds required by selling any shares not subscribed for, or by creating and selling any number of shares over and above the said three thousand five hundred: And if the proprietor of any share shall neglect or refuse to pay any assessment for the term of thirty days from the time appointed therefor, the share or shares of such proprietor may be sold at public auction, notice of the time and place of such sale being given by the treasurer of said corporation, in some public newspaper printed in Boston, three weeks at least previous to the time appointed therefor; and the proceeds of the sale shall be applied to the payment of the assessments due on the share or shares so sold, with incidental charges; and the surplus, if any, shall be paid by said treasurer to the former owner, or his legal representatives on demand; and such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate therefor: *Provided however*, That if before the actual sale of any such share or shares, the proprietor thereof will pay the assessments due thereon, with interest from the time they became due, and all

May make assessments on shares subscribed for.

Proviso.

Proviso.

necessary and reasonable charges, the sale shall not proceed. [June 14, 1814.] Add. acts—1816 ch. 40: 1819 ch. 65: 1822 ch. 34.

Chap. 40.

An ACT to authorise the Boston Manufacturing Company to shut the Fish Gate in their Dam across Charles River.

May close gate.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Manufacturing Company have the liberty of closing the Fish Gate in their Dam across Charles River, at their works in Newton and Waltham, being the same Mill Dam which formerly was owned and occupied by John Boies; and may keep the same shut forever: Provided, That said Company, their successors and assigns shall make, and continue in good repair, a Fish way over said Dam, of the same inclination and width, and admitting the same depth of water, as that now made over the lower Dam across said river in Watertown, near Watertown bridge, and shall keep the same open from the first day of April to the first day of June annually. [June 14, 1814.]

Chap. 42.

An ACT to establish the Amherst Cotton Factory.

Persons incorporated.

(1803 ch. 65.)

May hold real and personal estate.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Levi Collens, Ebenezer Mattoon, Samuel F. Dickinson, Elijah Eastman, Robert Douglas, Nathan Gilson, Asa Adams, and Samuel Perrin, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Amherst Cotton Factory, for the purpose of manufacturing cotton yarn and cloth, in the town of Amherst, in the county of Hampshire; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SECT. 2. Be it further enacted, That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacturing of cotton yarn and cloth, in said town of Amherst. [June 14, 1814.]

Chap. 43.

An ACT to establish the Northbridge Cloth Manufacturing Company.

Persons incorporated.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Levi Lincoln, Antipas Earle, Jesse Eddy, Amasa Roberts, Timothy Earle, William Hendrick, Silas Earle, and Daniel Waldo, with such others as may hereafter associate with them, their successors and assigns, be, and hereby are, made a Corporation, by the name of the Northbridge Cloth Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth, in the town of Northbridge; and for this purpose, shall have all the powers and privileges, and shall also be subject to

all the duties and requirements prescribed and contained in an act passed the third day of March, eighteen hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

SECT. 2. *Be it further enacted,* That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and of such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and woollen cloth, in the said town of Northbridge. [June 14, 1814.]

May hold real and personal estate.

An ACT to incorporate a number of inhabitants of the town of Northbridge, in the county of Worcester, into a Society for Religious purposes. Chap. 44.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Crane, James Fletcher, Paul Whitin, Israel Taft, Elzaphan Taft, Levi Rist, Keith Taft, Abner Adams, Arnold Adams, Benjamin Bassett, Joel Batchellor, Moruel Taft, Cheney Taft, William Slocum, jun. Joshua Slocum, Benjamin Morse, John Adams, Thomas Goldthwait, Joseph White, Henry Chapin, Simeon Batchellor, Obed Goldthwaite, Ebenezer Baker, Amaria Preston, Joel White, Solomon Nelson, Henry Dunn, jun. David Dunn, Frebun White, Samuel Fletcher, James Fletcher, jun. and Adolphus Spring, members of the Congregational Society in the town of Northbridge, (whereof the Rev. John Crane is the present Pastor,) with their polls and estates be, and they hereby are incorporated into a Society, by the name of The Congregational Society in Northbridge; and that they be, and are hereby invested with all the powers, privileges, and immunities, which other parishes in this Commonwealth are entitled to by law.

Persons incorporated.

SECT. 2. *Be it further enacted,* That such other inhabitants of said town of Northbridge, as have hitherto been considered by said town, as belonging to the Congregational Society therein, or who shall hereafter usually attend public worship with said incorporated Society, shall be deemed and taken with their polls and estates, as belonging to, and making part of said incorporation, to all intents and purposes, as though particularly named in this act: *Provided notwithstanding,* That nothing in this act shall effect the right of any of the members of said Society withdrawing his relations therefrom, and becoming a member of, and uniting with some other religious Society; and in case any person or persons belonging to said incorporated Society, shall hereafter signify to the Clerk thereof, his or their desire of becoming united with some other religious Society, and shall produce and lodge with the clerk of said incorporated Society, a certificate, signed by the minister or clerk of such other religious Society, of such person or persons having usually attended public worship therein, and of having actually become united thereto, he or they shall from and after lodging such certificate as aforesaid, be considered as belonging to such other society: *Provided however,* That such person or per-

Other inhabitants considered as belonging to the society.

Proviso.

Proviso.

sons shall be holden to pay his or their proportion of all taxes legally assessed, or monies voted to be raised in said incorporated Society, previous to withdrawing his or their relation therefrom.

Privileges.

SECT. 3. *Be it further enacted*, That the said incorporated Society, from and after the passing of this act, be, and it hereby is invested with the privilege of improving and enjoying the Congregational Meeting-house, in said town, (so called,) for the purpose of assembling therein for public worship, in the same manner as the Congregational Society in said town, hitherto has done, and of receiving and holding all such securities and monies as heretofore belonged to the said Congregational Society, in said Northbridge, and of receiving and holding all such donations and bequests as may from time to time be given to the said incorporated Society, and of improving the same, by appropriating the annual interest arising therefrom, to the support of a Public Teacher of piety, religion, and morality, in said Society, so long as it shall remain a corporate body, and support public worship therein.

May call meeting.

SECT. 4. *Be it further enacted*, That Adolphus Spring, Esquire, be, and he hereby is authorized and directed to issue his warrant, directed to some principal inhabitant of said Society, requiring him to give notice to the members thereof, qualified to vote in parish affairs, to assemble and meet at some convenient place in said town, for the purpose of choosing all such officers, as parishes are by law required to choose in the months of March or April annually, and to transact all such matters and things as may be necessary to be done in said Society. [June 14, 1814.]

Chap. 47.

An ACT to provide for the safe keeping of Gun-powder in the town of Roxbury.

Place where kept.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of August next, no person or persons (not on military duty,) shall keep, have, or possess, in any store, barn, house, or other building, or in, or upon any place or thing whatever, within the town of Roxbury, except in a public powder-house in said town, Gun-powder in any quantity exceeding five pounds, in any way or manner, otherwise than as by this act is permitted: *Provided nevertheless*, That nothing in this act shall be construed to operate as a prohibition to the transporting of Gun-powder through the town of Roxbury aforesaid, or to, or from the public magazine in said town, from or into any part of this Commonwealth.

Proviso.

Vessels shall not lay within two hundred yards of any wharf.

SECT. 2. *Be it further enacted*, That no merchant or private armed vessel, on board of which Gun-powder shall be laden in quantity exceeding twenty-five pounds, shall lay within two hundred yards of any wharf within said town.

May be seized.

SECT. 3. *Be it further enacted*, That all Gun-powder, found within the said town of Roxbury, contrary to the provision of this act, shall be forfeited, and may be seized by any one or more of the fire-wards of said town; and it shall be the duty of such fire-ward or fire-wards, within twenty days after such

seizure, to file a libel in the Clerk's Office of the Circuit Court of Common Pleas, for the Southern Circuit, in the county of Norfolk, stating the cause of such seizure, and praying for a decree of forfeiture; and the Judges of said Court shall have power to hear and determine the cause by a jury, where there is a claimant, but without a jury, if upon proclamation no claimant appear, and to decree the forfeiture and disposition of such property according to law; and may decree a sale and distribution of the proceeds, first deducting all charges; and if such libels be not supported, restitution of the property shall be decreed without costs; but if a claimant appear, and disputes the forfeiture, and said Gun-powder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution, which may have legally arisen thereon.

SECT. 4. *Be it further enacted*, That all such Gun-powder so forfeited, shall be forfeited one third part thereof to the use of the Commonwealth, one third part to the use of the fire-ward or fire-wards making such seizure, and one third part to the use of the poor of the said town of Roxbury: *Provided always*, That it shall and may be lawful for any person or persons, to keep in his or their house, ware-house or shop, for sale by retail, any quantity of Gun-powder, not exceeding twenty-five pounds in the whole; *Provided*, The same be constantly kept in copper, brass, or tin cannisters, closely covered with copper, brass, or tin, and not otherwise.

Quantity allowed to be kept.

Proviso.

SECT. 5. *Be it further enacted*, That if any Gun-powder shall be found in the town of Roxbury aforesaid, contrary to the provisions of this act, the owner or owners of the same, or other person or persons in whose possession it shall be found, besides the forfeiture aforesaid, shall forfeit and pay forty cents for every pound of such Gun-powder, one moiety thereof to the use of the poor of said town of Roxbury, and the other moiety to the use of him or them who shall sue for the same; which forfeiture of forty cents may be recovered by action of the case, in any Court proper to try the same.

Penalty for breach of act.

SECT. 6. *Be it further enacted*, That it shall and may be lawful for any one or more of the fire-wards of said town of Roxbury, to enter any building or other place in said town of Roxbury, in the day time, to search for Gun-powder, which they may have reason to suppose to be concealed or kept contrary to the provisions of this act, having first obtained a search warrant therefor, according to law. [June 14, 1814.]

Firewards may enter buildings.

AN ACT to alter and change the Names of certain persons therein mentioned.

Chap. 49.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, Charles Adams of Boston in the county of Suffolk, son of Elijah Adams, of Medfield, in the county of Norfolk, shall be allowed to take the name of Charles Jeremiah Adams; that Welcome Eager of Boston aforesaid, merchant, shall be allowed to take the name of William Eager; that John Bradford of said Boston, son of William B. Bradford of the same place, shall be allowed to

Persons' names altered.

take the name of John Rufus Bradford; that George Doane of the same Boston, shall be allowed to take the name of George Bartlett Doane; that William Couillard Stodderd of Salem, in the county of Essex, trader, son of Ebed Stodderd, of the same Salem, shall be allowed to take the name of Ebenezer Couillard Stoddard; that John Babbidge, Jun. of Salem aforesaid, mariner, shall be allowed to take the name of John Laurens Babbidge; that John Osgood, Jun. of the same Salem, mariner, shall be allowed to take the name of John Babbidge Osgood; that William Low of Salem aforesaid, a minor, and son of David Low, late of Haverhill, in said county, deceased, shall be allowed to take the name of William Henry Low; that John Browne, the sixth, of said Salem, son of Edward Browne of the same place, shall be allowed to take the name of Edward John Browne; that John Clarke, of Watertown, in the county of Middlesex, son of Thomas Clarke, Esq. of the same town, shall be allowed to take the name of John Henry Clarke; that Joseph Tufts, the third of Charlestown, in said county of Middlesex, son of Deacon Amos Tufts of the same place, shall be allowed to take the name of Joseph Frothingham Tufts; that Jesse Harlow Torrey, of Plymouth, in the county of Plymouth, merchant, shall be allowed to take the name of Harlow J. Torrey; that Thomas Damon of Truro, in the county of Barnstable, shall be allowed to take the name of William Frederick Josiah Damon; that Walter Johnson, 2d, of Leominster, in the county of Worcester, shall be allowed to take the name of Walter Rogers Johnson; that Obadiah Burnham, a minor, and son of Josiah Burnham, of Durham, in the county of Cumberland, shall be allowed to take the name of George Burnham; that Scott Wilkinson, of Thomastown, in the county of Lincoln, attorney at law, shall be allowed to take the name of Samuel Scott Wilkinson. And the several persons before named, from the time of the passing of this act, shall be called and known by the names, which by this act they are respectively allowed to take and assume as aforesaid; and the said names shall forever hereafter be considered, as their only proper and legal names, to all intents and purposes. [June 14, 1814.]

Chap. 51.

AN ACT to establish the Wrentham and Attleborough Turnpike Corporation.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That David Fisher, jun. Samuel Day, Timothy Whiting, John Fales, Royal Peck, Elkanah Whiting, Paul Fisher and Cornelius Kollock, together with such others as may associate with them, their successors and assigns, shall be a Corporation, by the name of The Wrentham and Attleborough Turnpike Corporation, for the purpose of making a Turnpike-road from the meeting-house in the first parish in Wrentham, to the line of Cumberland, in the state of Rhode-Island, in the most convenient place for the public accommodation, as near a straight line as is practicable; *Provided however,* That it shall not be made in any place east of an air line from the meeting-house

Proposo.

in said first parish in Wrentham, to the west side of the dwelling house of John Fales, in the west corner of Attleborough; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "An Act defining the general powers and duties of Turnpike Corporations," passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five. [June 14, 1814.] (1804 ch. 125.)

An ACT to incorporate the Holliston Cloth Manufactory.

Chap. 52.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Elihu Cutler, Abner Morse, Timothy Fisk, Uriel Cutler, David Fish, jun. James Wight, Joseph P. Leland, Nathan Fairbanks and Ebenezer P. Wood, together with such other persons as already have, or may hereafter associate with them, their successors and assigns be, and they hereby are made a Corporation, by the name of The Holliston Cloth Manufactory, for the purpose of manufacturing cloth at Holliston, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted,* That said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cloth at Holliston aforesaid. [June 14, 1814.]

May hold real and personal estate.

An ACT to incorporate the President, Directors and Company of the Merrimack Bank.

Chap. 53.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles White, David Howe, jr. Leonard White, Daniel Haddock, Robert B. Willis, Bailey Bartlett, James How, James Duncan, jun. Peter Osgood, Thomas R. Appleton, Moses Gale, jun. John Dow and Ebenezer Gage, their associates, successors and assigns shall be, and hereby are created a Corporation, by the name of The President, Directors and Company of the Merrimack Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty one; and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever; and also to make, have, and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs: *Provided,* Such by-laws, ordinances and regulations, shall in no wise be contrary to the constitution and

Persons incorporated.

Time incorporated for.

Proviso.

laws of this Commonwealth ; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Amount of capital stock and of each share.
(Increased 1817 ch. 71.)
(Further time 1814 ch. 58.)

SECT. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid at four equal instalments ; the first on the fifteenth day of October next ; the second on the fifteenth day of April next after ; the third on the fifteenth day of October next after ; and the fourth on the fifteenth day of April, which will be in the year of our Lord one thousand eight hundred and sixteen ; or at such earlier time as the Stockholders at any meeting thereof may order ; and the Stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine ; and the said Corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same ; and to loan and negotiate, their monies and effects, by discounting on banking principles, on such security as they shall think advisable : *Provided however*, That nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for or in payment of any debts due to the said Corporation : *Provided further*, That no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to twenty-five thousand dollars.

Proviso.

(1811 ch. 84.)

Proviso.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in and by the third section of an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established : *Provided*, That the bond required to be given by the Cashier, shall be given in the penalty of ten thousand dollars ; that the number of directors to be annually chosen shall be seven, and four may constitute a quorum for the transaction of business : *And provided also*, That the amount of bills at any one time issued from said Bank, shall not exceed fifty per cent. beyond their capital stock actually paid in.

SECT. 4. *Be it further enacted*, That said Bank shall be established and kept in the town of Haverhill.

SECT. 5. *Be it further enacted*, That any Committee especially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults ; and if upon such an examination, it shall be found, and after a full hear-

Legislative Committee may examine books, &c.

ing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this act provided, their incorporation may thereupon be declared forfeited and void.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorised to call a meeting of the Members and Stockholders of said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same for three weeks successively in the Merrimack Intelligencer, printed in the town of Haverhill, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of the said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose.

May call meeting.

SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors of said Bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation; and of the gold, silver and copper coins, and of the bills of other Banks on hand; which statements shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

Shall transmit statement of accounts.

SECT. 8. *Be it further enacted*, That the said Corporation shall be liable to pay to any *bona-fide* holder, the original amount of any note of said Bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration.

Shall pay altered notes.

SECT. 9. *Be it further enacted*, That the said Corporation shall within ten days after the first Mondays of October and April annually, pay to the Treasurer of this Commonwealth, for the use of the same, a tax of one half of one per cent. on the amount of such part of their stock as shall have been actually paid in by the Stockholders: *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all Banks that are now or shall be hereafter incorporated within this Commonwealth; *And provided further*, That nothing herein shall be construed to impair the right of the Legislature to lay a tax on any Bank already incorporated under the authority of this Commonwealth, when they may see fit so to do.

Shall pay tax to the Treasurer.

Proviso.

SECT. 10. *Be it further enacted*. That one tenth part of the whole funds of said Bank shall always be appropriated to loans to be made to citizens of this Commonwealth, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest; which loans shall be made in sums not less than one hundred dollars, and not more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate, to the satisfac-

Amount to be appropriated to loans.

tion of the Directors of said Bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and rights of redemption as is by law provided in other cases.

Shall loan to
the Common-
wealth.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payment of interest at the rate of five per centum per annum: *Provided however*, That the Commonwealth shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in. [June 14, 1814.] Add acts—1814 ch. 53: 1817 ch. 71.

Chap. 56.
1793 ch. 68.
(V. 1 p. 513.)

An ACT in addition to an act, entitled “An Act incorporating the Rector, Wardens and Vestry of the Episcopal Church in Dedham, for certain purposes.”

Manner of be-
coming a mem-
ber.

(Church incor-
porated by 1818 ch. 27.)

Proviso.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That each and every person, who is or shall become a proprietor of a pew or pews in said Church, and any person or persons proposing to attend public worship there, and not having been heretofore a proprietor of said Church, nor having been made a member of said Church or Society, by a vote of the said proprietors, who shall enter his or her name with the Rector, Wardens and Vestry or Clerk of said Church, shall be deemed and taken to be members of said Episcopal Church or Society, and they with their estates shall be liable to all lawful taxes and assessments, for the purposes hereinafter mentioned, but no one besides the proprietors of the pews shall be entitled to a vote in said Church, unless he or they shall be admitted by vote of said proprietors to hold a vote and an office in said Church, and then only from year to year; and the members of said Episcopal Church or Society shall be, and they with their estates are hereby exempted from all other taxes and assessments for the support of public worship, in the towns or parishes where they may respectively reside: *Provided*, That persons hereafter becoming members as aforesaid, shall give notice thereof in writing to the Assessors or Clerk of the town or parish where they reside, and until such notice shall not be entitled to the exemption aforesaid: *Provided also*, That persons withdrawing from said Episcopal Church or Society, who shall give notice thereof in writing to the Wardens and Vestry or Clerk, for the time being, shall be no longer liable to any taxes or assessments afterwards granted and voted therein, and they with their estates shall again become liable to all other taxes and duties for the support of public worship, in the parishes or towns where they may respectively reside, in the same manner as other inhabitants are liable who have not been entitled to any special exemption.

SECT. 2. *Be it further enacted*, That said Episcopal Church

or Society, shall be capable to take and hold, by gift, grant or purchase, any real or personal estate, and to manage, sell, lease or dispose of the same, and for that purpose shall have a common seal, to be established, altered and renewed at their pleasure: *Provided*, That the real estate holden by them, at any one time, shall not exceed in annual value the sum of five thousand dollars; *and provided*, That no sale thereof shall be valid and effectual, until the same shall be made with the concurrence of their Rector, and two thirds at least of the proprietors of the pews, being members of said Church or Society.

May hold real and personal estate.

Proviso.

SECT. 3. *Be it further enacted*, That the said Episcopal Church or Society, shall have the same authority and power in granting, voting, assessing and collecting taxes, for the maintenance of a Rector, Incumbent or Minister, and the support of public worship, which Congregational parishes have or may enjoy by virtue of any general statute or statutes of this Commonwealth; and assessments of taxes lawfully made for the said Episcopal Church or Society, remaining due and unpaid after six months notice thereof, shall and may be recovered in an action at law, in their name to be brought, as for sums of money due and owing to the said Church or Society, against the parties liable therefor, their executors or administrators.

Powers.

SECT. 4. *Be it further enacted*, That the proprietors of pews in said Church be, and they are hereby authorised to raise money by assessment on all said pews, to defray the expense of public worship and repairing the Church, or rebuilding the same, and other incidental expenses; but no proprietor of a pew or pews shall be obliged to pay the tax so levied or assessed, *provided*, that he expresses in writing to the Wardens, his consent that they may occupy or let his pew or pews, from year to year, until he, the said proprietor, his heirs, executors or administrators, shall pay the said tax, or until the same shall have been realized by the Wardens from the rent of said pew or pews.

May raise money by assessment.

Proviso.

SECT. 5. *Be it further enacted*, That the officers of said Corporation or Society shall be appointed agreeably to the present constitution and rules of said Church; *Provided*, They contain nothing contrary to the constitution and laws of this Commonwealth; and that all leases that have been heretofore executed by the Rector, Wardens and Vestry, in pursuance of the act to which this is in addition, and in conformity to the votes of the proprietors of the Church, shall be equally valid in law, as any leases that may be executed by the Rector, Wardens and Vestry, after the passing of this act and in conformity thereto; and also all deeds of pews that have been executed by the Rector and Wardens.

Officers, how appointed.

SECT. 6. *Be it further enacted*, That Horatio Townsend, Esq. one of the proprietors of said Church, be, and is hereby authorised to issue his warrant, directed to some principal proprietor of said Church or member of said Society, requiring him to notify and warn the other members thereof, qualified to vote in manner as aforesaid, to meet at some suitable time and place within said town of Dedham, to choose such officers as they

May issue warrant.

are authorised by their constitution to choose, and to do and transact all such other matters and things as may be necessary for the due organization and regulation of said Church and Society. [June 14, 1814.] See an act incorporating this Church—1818 ch. 27.

Chap. 58.
1814 ch. 53.

An Act to authorize the President, Directors and Company of the Merrimack Bank to postpone the payment of their first instalment.

May postpone
payment of
first instal-
ment.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Merrimack Bank be, and they hereby are authorized and empowered to postpone the payment of their first instalment of twenty-five per centum of their capital stock until the first Monday of December next, any law to the contrary notwithstanding. [Oct. 10, 1814.] Further act—1817 ch. 71.

Chap. 59.
1812 ch. 50.

An Act in addition to an Act, entitled, "An Act to incorporate the President, Directors and Company of the Newburyport Bank."

Amount of ca-
pital stock and
of each share.

Proviso.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the capital stock of the Newburyport Bank, shall be divided into shares of sixty dollars each, and the whole number of shares shall be three thousand and five hundred; any thing in the Act, to which this is an addition, to the contrary notwithstanding: *Provided however,* That no dividend of the capital stock of said Bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of commissioners by them appointed, that there actually exists in the vaults of the Bank specie belonging to the corporation, sufficient to pay off all the bills of the Bank in circulation, and all deposits, and other demands existing against the same, beyond the sum then to be divided: *Provided also,* That nothing herein contained, shall be construed to affect the liability of the corporation, or the individual stockholders, as established by the original Act incorporating the said Bank. [Oct. 13, 1814.]*

Chap. 60.
1813 ch. 90.
1814 ch. 1.

An Act in further addition to an Act, entitled, "An Act to incorporate the President, Directors and Company of the Springfield Bank."

Amount of ca-
pital stock and
of each share.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the capital stock of the President, Directors and Company of the Springfield Bank shall, and may consist of the sum of one hundred and twenty-five thousand dollars, and no more; any thing in the Act incorporating them notwithstanding—to be divided into shares of one hundred dollars each, to be paid in four equal instalments; the whole of the first instalment to be paid on or before the first day of November next, and the other instalments at the times prescribed by a law, in this behalf, passed in June last.*

SECT. 2. *Be it further enacted, That the proceedings of said corporation shall, and may be valid, notwithstanding their having failed to pay in the whole of the first instalment by the time prescribed by said law, passed in June last; *Provided,**

they shall pay in the first instalment by the time herein set and limited; and *Provided also*, That no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to one fourth part of the capital stock of said Bank. Proviso.

SECT. 3. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money that may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate, not exceeding five per centum per annum: *Provided however*, That the Commonwealth shall never, at any one time, stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in. Shall loan to the Commonwealth.
Proviso.

SECT. 4. *Be it further enacted*, That, in all respects, not herein otherwise specially provided for, the said corporation shall be subject to all the duties, and liable to all the restrictions and conditions, by law imposed upon them. [Oct. 13, 1814.] See 1817 ch. 54. 115.

An ACT to incorporate The Wellington Cotton Mill Company.

Chap. 61.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simeon Williams, Joshua Williams, Isaac Babbitt, Barnabas Crane, Adoniram Crane, Nathaniel Wheeler, 2d, Jonathan Walker, Nathaniel Walker, Hezekiah Anthony, Seth Presbrey and Job King, jun. with such as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Wellington Cotton Mill Company, for the purpose of manufacturing cotton cloth in the town of Wellington, in the county of Bristol; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine. Persons incorporated.
(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding thirty thousand dollars, and such personal estate, not exceeding sixty thousand dollars, as may be necessary and convenient for the purposes aforesaid. [Oct. 15, 1814.] May hold real and personal estate.

An ACT to establish The Springfield Manufacturing Company.

Chap. 62.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Jenckes, Washington Jenckes, Joseph Bucklen and George Wilkinson, together with such persons as have already associated with them, or may hereafter associate with them, their successors and assigns, be, and they hereby

are made a corporation, by the name of the Springfield Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, and also iron, in the towns of Springfield and Ludlow, in the county of Hampden, with the business necessarily connected therewith; and for such purposes shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act passed in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

(1808 ch. 65.)

May hold real and personal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of four hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Oct. 15, 1814.]

Chap. 65.
1813 ch. 23.

An ACT in addition to an Act, entitled, "An Act to incorporate the President, Directors and Company of the Pawtucket Bank."

Act in part repealed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an Act, entitled an Act, to incorporate the President, Directors and Company of the Pawtucket Bank, as regards the times at which the stockholders of said Bank, are required to pay in their several instalments of the capital stock thereof, be, and hereby is repealed; and that the stockholders of said bank be, and hereby are required to pay in the several instalments of the capital stock of the said Bank, at the following periods, to wit; the first instalment on the first Tuesday of June next; the second instalment on the first Tuesday of December then next following; the third instalment on the first Tuesday of June then next following; and the fourth instalment on the first Tuesday of December next after; or at such earlier times as the stockholders, at any meeting thereof, may order. [Oct. 15, 1814.] Further acts—1815 ch. 93: 1817 ch. 68: 1818 ch. 51.

Time for paying instalments.
(Altered by—
1815 ch. 93.
1817 ch. 68.
1818 ch. 51.)

Chap. 66.

An ACT to incorporate The Oxford Central Cotton and Woollen Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Fisk, John Hudson, William S. Fisk, Henry G. Learned, Joel and Daniel Eddy, Amos Hudson, Ezra Lovell, and Silvanus Pratt, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Oxford Central Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, in the said town of Oxford; and for this purpose, the said company shall have all the powers and privileges, and shall be also subject to the same duties and requirements, as are prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of

(1808 ch. 65.)

March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, may lawfully hold and possess real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures of the said company, in the said town of Oxford. [Oct. 17, 1814.]

May hold real and personal estate.

An ACT to incorporate The Globe Manufacturing Company.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Upham, David Fisk, Samuel Newell, James Walcott, jun. Perry B. Walcott, Josiah J. Fisk, and Francis Wheelock, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Globe Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, in the town of Sturbridge, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

Persons incorporated.

(1803 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid, in said town of Sturbridge. [Oct. 17, 1814.]

May hold real and personal estate.

An ACT in addition to the Act, establishing a Marine Society at Newburyport.

Chap. 69.

Oct. 11, 1777.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this Act, the Marine Society at Newburyport, may regulate and determine on their times of meeting, any thing in the Act establishing that society, passed on the eleventh day of October, one thousand seven hundred and seventy-seven, or in their by-laws, as at present existing, to the contrary notwithstanding. [Oct. 18, 1814.]

May regulate times of meeting.

An ACT to alter and change the Names of certain persons therein mentioned.

Chap. 76.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, Joseph Adams, of the late firm of Johnson & Adams, of Boston, in the county of Suffolk, shall be allowed to take the name of Joseph Henry Adams;—That Thode Coats, of Middlefield, in the county of Hampshire, shall be allowed to take the name of Theodore Coats. And the several persons before named, from the time of the passing of this Act, shall be called and known by the

Names altered.

names, which, by this Act, they are respectively allowed to take and assume as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [Oct. 19, 1814.]

Chap. 77.

An ACT empowering the Firewards of the Town of Boston, to permit the building of Stables, and of Gun-houses, in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Firewards of the town of Boston be, and they hereby are authorized and empowered to permit Stables to be built of brick, and properly slated, on land owned by Benjamin French, Jonathan Lovejoy, and Oliver C. Wyman, and others, situate in Back-street, in said town; and on land owned by Mary White, and situate near Marlborough-street and Hawley-street, in said town, and also to permit the continuance of any Gun-houses, which are now erected within said town, on such terms and conditions as the said Firewards may find to be consistent with the safety of said town from fire, any law to the contrary notwithstanding. [Oct. 19, 1814.]

Chap. 80.

An ACT to incorporate The Proprietors of the Social Law Library.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Prescott and Joseph Hall, together with their associates, being the proprietors of a certain library, called and known by the name of The Social Law Library, in the town of Boston, and such other person or persons, as shall hereafter be admitted members of said association, according to the rules, orders and conditions, which shall or may from time to time be established by the by-laws and regulations of the corporation herein after created, shall forever hereafter be, and they are hereby created a body politic and corporate, by the name of The Proprietors of the Social Law Library; and by the said name shall sue and be sued, plead and be impleaded, defend and be defended, in all, or any court or courts of law, or elsewhere, in all manner of actions, suits, pleas, or controversies whatsoever; and in their said corporate capacity, by their said name, they and their successors shall be capable to purchase, receive, have, hold, take, and enjoy, in fee simple, or otherwise, lands, rents, tenements, and hereditaments; and likewise to take, receive, and hold by donation, subscription, bequest, or otherwise, money, goods, chattels, and personal property, and the same to give, grant, sell, and dispose of at their pleasure, so that the real and personal estate aforesaid, and the income and proceeds thereof, shall at all times be appropriated to the purposes of creating, enlarging, managing, and improving said library; Provided nevertheless, that the said corporation shall at no time have or hold lands, rents, tenements, or hereditaments, for any other purpose than shall be necessary for the safe keeping and suitable accommodations of said library, not exceeding in value twenty thousand dollars; and the said corporation shall have power to have*

Proviso.

and use a common seal, and to alter, change, and renew the same, whenever they shall think the same expedient.

SECT. 2. *Be it further enacted*, That the said corporation shall have full power and authority, to determine at what times and places their meetings shall be holden; and on the manner of notifying the associates or proprietors to convene at such meetings; and they shall have power to order and lay assessments upon the proprietors; to elect, once in every year, or oftener, from amongst the said proprietors, such officers, with such powers as they may think expedient; and also to ordain and enact any by-laws for the due and orderly government of said corporation, and for conducting the affairs thereof, and for, and concerning all matters and things relating to said corporation, and the same, at pleasure, to alter, amend, and repeal; *Provided*, that such powers vested, and by-laws enacted, shall not be repugnant to the constitution and laws of this Commonwealth.

Times and
places of meet-
ing.

Proviso.

SECT. 3. *Be it further enacted*, That for the purpose of giving a more effectual sanction to said by-laws, the said proprietors shall have power to impose fines, not exceeding five dollars, for the non-fulfilment or breach of the said by-laws; and that for the recovery thereof, the said corporation shall have a suitable remedy by action at law, in any court within this Commonwealth proper to try the same. And the said corporation shall have further power to suspend the right of any proprietor to the use of the said library, as a penalty for the breach of said by-laws, or any of them; and likewise to sue for, and recover, any assessment duly imposed on the proprietors.

Fines. }

SECT. 4. *Be it further enacted*, That the right, interest, and property, which each of the said proprietors and associates shall be deemed and taken to have in said corporation, shall be the use and benefit of the said library, according to the rules and regulations established by the by-laws of the said corporation, for, and during the term of his natural life; but the said shares shall be, and hereby are declared to be, not alienable or transferable.

Proprietor's
right.

SECT. 5. *Be it further enacted*, That the Governor, Lieutenant-Governor, and the members of the Council of this Commonwealth, at all times, and the members of the Senate, and House of Representatives, during any session of the General Court, shall have free access to, and the full and entire use and enjoyment of the said library, and all the privileges and advantages thereof, free of expense, under the same regulations as may be provided by the by-laws of the said corporation, for the proprietors thereof; and the Judges of the Supreme Judicial Court, and of all the Judicial Courts of the County of Suffolk, and of the Courts of the United States, together with the Attorney General, and Solicitor General, and the Reporter of the Judicial Decisions of the Supreme Judicial Courts of this Commonwealth, and the Attorney of the United States for the District of Massachusetts, shall at all times, under the like regulations, have free access to, and the free use and enjoyment of the said library, free of any expense.

Gov. &c. may
have access to
library.

Money appropriated for increasing library.

SECT. 6. *Be it further enacted*, That for the purpose of enabling said corporation to enlarge, increase, improve, and manage said library, and to effect the laudable objects contemplated by said corporation, there be, and hereby are granted and appropriated to said corporation, all sums of money, which may be hereafter paid by way of tax or excise, by all persons admitted to practice as attornies, in the Boston Court of Common Pleas, in the county of Suffolk; and the county treasurer for the county of Suffolk, is hereby authorized and directed to account with, and pay over to the treasurer of the said corporation, or any other officer or officers, person or persons, duly authorized by said corporation, to receive the same, the monies aforesaid, hereby granted and appropriated.

Attorney to pay treasurer.

SECT. 7. But whereas doubts have arisen, whether the tax or excise, by law payable by attornies, on admission to the Circuit Court of Common Pleas, be extended to the Boston Court of Common Pleas, *Be it therefore further enacted*, that every person admitted as an attorney to the Boston Court of Common Pleas, be required to pay to the treasurer of the county of Suffolk, the same sum which is by law payable in other counties, on admission to the Circuit Court of Common Pleas, and procure and produce to the court, said county treasurer's receipt therefor.

Sec'y to furnish library with laws, &c.

SECT. 8. *Be it further enacted*, That there be granted and appropriated to said corporation, one copy of the general and special laws and resolves of this Commonwealth, of the ancient charters, of the Massachusetts reports, and of the laws of the United States, now on hand, to be delivered by the secretary of the Commonwealth to the librarian of the said corporation, or other person authorized to receive the same; and the said secretary is in like manner authorized to deliver to such librarian or other person two copies of such laws, resolves, public documents, and reports, as may be hereafter published, or procured for the use of the Commonwealth, to be preserved in said library.

May call meeting.

SECT. 9. *Be it further enacted*. That the said William Prescott, and Joseph Hall, or either of them, shall have power to call the first meeting of said corporation, by advertising the same, seven days at least, before the day of such meeting, in some newspaper, printed in the town of Boston, at which meeting the said proprietors may proceed to execute any, or all the powers, vested in them, by this Act. [Oct. 21. 1814.]

Chap. 81.
1802 ch. 60.
(V. 3. p. 60.)

May reduce capital stock.

An ACT to authorize the Suffolk Insurance Company to reduce its capital stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Suffolk Insurance Company be, and they hereby are authorized to reduce the capital stock of the said corporation, to one hundred thousand dollars, and to divide the excess among the stockholders, in proportion to their respective shares, in such way and manner as a major part of the stockholders, at a meeting to be called for that purpose, shall decide; and that in estimating the value of the property to be retained by

said corporation, regard shall be had to its specie cost : *Pro-* Proviso.
vided however, that the said corporation shall never take any
 sum, upon any one risk, exceeding ten per centum on the amount
 of the capital so reduced.

SECT. 2. *Be it further enacted*, That Epes Sargent, Esq. pre- May call
 sident of said corporation, be, and he is hereby empowered to meeting.
 call a meeting of the stockholders of said corporation, for the
 purpose aforesaid, to be holden at the office of said corporation,
 on the first Monday of February next, at eleven o'clock in the
 forenoon, by notification in one of the newspapers, printed in
 the town of Boston, seven days at least, before the said day of
 meeting. [Jan. 28, 1815.]

An Act to continue in force an Act, entitled "An Act to incorporate sundry persons, by the name of the Massachusetts Fire Insurance Company," and also the several Acts in addition thereto.

Chap. 82.
 1795 ch. 22.
 (V. 4. App.)
 1798 ch. 46.
 (V. 4. App.)
 1805 ch. 47.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Act entitled "An Act to incorporate sundry persons, by the name of the Massachusetts Fire Insurance Company," passed the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and ninety-five, and also an Act entitled "An Act in addition to an Act, entitled an Act to incorporate sundry persons, by the name of the Massachusetts Fire Insurance Company," passed the thirteenth day of February, in the year of our Lord one thousand seven hundred and ninety-nine, and also an Act entitled "An Act in addition to an Act, entitled an Act in addition to an Act to incorporate sundry persons, by the name of the Massachusetts Fire Insurance Company," passed on the third day of March, in the year of our Lord one thousand eight hundred and six, and the powers and privileges, granted by the said Acts respectively, shall be, and remain in full force, for the space of twenty years, from the twenty-fifth day of June, one thousand eight hundred and fifteen, any thing in either of the Acts aforesaid to the contrary, notwithstanding. [Jan. 28, 1815.]

Acts to remain
 in force.

An Act to incorporate the Stoughton Woollen and Cotton Manufacturing Company.

Chap. 83.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Hezekiah Gay, Bethuel Drake, jun. Lemuel Gay and John Gay, with such other persons as have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Stoughton Woollen and Cotton Manufacturing Company, for the purpose of manufacturing woollen and cotton goods, at Stoughton, in the county of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

Persons incor-
 porated.

SECT. 2. *Be it further enacted*, That said corporation may be

May hold real and personal estate. lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of seventy-five thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of woollen and cotton goods, at Stoughton aforesaid. [Feb. 2, 1815.]

Chap. 85.

An ACT to establish a Cotton, Woollen and Linen Factory Company in the West Precinct in Bridgewater.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Howard, Edwin Howard, Ephraim Edson, Benjamin B. Howard, George Howard, 2d, Asa Briggs, Nahum Leonard, Greanleaf Pratt, Jonathan Wentworth and Charles Howard, their successors and assigns, be, and they hereby are made a corporation, by the name of West Factory Company, for the purpose of manufacturing cotton, woollen and linen yarn and cloth, in the west precinct in Bridgewater; and for that purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

(1808 ch. 65.)

May hold real and personal estate.

SECT. 2. *Be it further enacted,* That said corporation, in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on said manufacture, in their various branches as aforesaid. [Feb. 2, 1815.]

Chap. 86.

An ACT to establish the Stow Cotton Manufactory.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Silas Jewell, Abraham Randall, jun. William Trobridge, and Winslow Dunton, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Stow Cotton Manufactory, for the purpose of manufacturing cotton yarn and cloth in the town of Stow, in the county of Middlesex; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

(1808 ch. 65.)

May hold real and personal estate.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton yarn and cloth in said town of Stow. [Feb. 4, 1815.]

Chap. 87.

An ACT to establish the Watertown Cotton Factory Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

That Amos Bond, Jeduthan Fuller, Mason Hunting, Joseph Pierce, Edward Richards, and Enoch Wiswell, with such others, as may hereafter associate with them, and their successors and assigns, be, and they are hereby established and made a corporation, by the name of the Watertown Cotton Factory Company, for the purpose of manufacturing cotton goods in the town of Watertown; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine. (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton goods in the said town of Watertown. [Feb. 4, 1815.]

May hold real and personal estate.

An ACT to establish The Monson Woollen Manufacturing Company.

Chap. 90.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Asa Gates, Luther Carter, Nathan Hoar, Hamilton Utley, and Samuel Whitney, with such others as may hereafter associate with them, and their successors and assigns be, and they are hereby made a corporation, by the name of The Monson Woollen Manufacturing Company, for the manufacture of woollen cloth in the town of Monson; and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties and requirements, prescribed and contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess real estate to the amount of sixty thousand dollars, and personal estate, to the amount of forty thousand dollars, as may be necessary and convenient for carrying on the manufacture of woollen cloths in the said town of Monson. [Feb. 7, 1815.]

May hold real and personal estate.

An ACT to incorporate The Foxborough Cotton Manufacturing Company.

Chap. 91.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Brayton, William Richmond, William Wood, and Hezekiah Anthony, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a body politick and corporate, by the name of The Foxborough Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in Foxborough, in the county of Norfolk; and, for this purpose shall have all the powers and privileges, and be subject to all the du-

Persons incorporated.

(1808 ch. 65.)

ties and requirements, prescribed and contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and possessed of such personal estate, not exceeding the sum of fifty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture aforesaid. [Feb. 7, 1815.]

Chap. 92.

An ACT granting to John L. Sullivan, a term of time for the use of his patent Steam Tow Boats on Connecticut River, within this Commonwealth.

Rights and
privileges.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be, and hereby is granted to John L. Sullivan, his heirs, executors, administrators, and assigns, on the conditions herein contained, the exclusive right to Connecticut river within this Commonwealth, for the use of his patent steam tow boats, and the improvements he may make thereon, for the space of twenty-eight years; being double the time allowed by the patent laws of the United States, from and after the expiration of his said patent, bearing date the 2d day of April in the year 1814: *Provided however*, that the said Sullivan or his heirs, associates or assigns, shall build, and put in operation on the said river, at least one steam boat within five years from the date of this act. [Feb. 7, 1815.] Add. act—1818 ch. 64.

Proviso.

(Extended by
1818 ch. 64.)

Chap. 93.

An ACT to incorporate The Wellfleet Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Josiah Whitman, Beriah Higgins, Thomas Higgins, William Cole, John Smith, George Ward, Reuben Arey, John G. Newcomb, together with such other persons as have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Wellfleet Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn at Wellfleet, in the county of Barnstable; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding twenty thousand dollars, and such personal estate, not exceeding forty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cotton and woollen cloth and yarn, at Wellfleet aforesaid. [Feb. 10, 1815.]

Chap. 94.

(1812 ch. 41.)

An ACT in addition to an act, entitled "An Act to incorporate The President, Directors and Company of the Beverly Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That

from and after the passing of this act, the capital stock of the President, Directors and Company of the Beverly Bank, shall be one hundred thousand dollars, the number of shares to remain the same as at present established by law. And the said Corporation shall be holden to pay the tax, and to loan the Commonwealth only on the actual capital of the bank, after any dividend of the same shall have been made in pursuance of this act. And the said Commonwealth shall have a right to subscribe to the stock of said bank, only to the amount of fifty thousand dollars. *Provided however*, That no dividend of the capital stock shall be made, when the specie belonging to the corporation, actually existing in their vaults, shall be a less sum than the amount of bills in circulation, and all deposits, and other demands existing against the same. *And provided also*, That nothing herein contained shall be construed to affect the liability of the corporation or the individual stockholders, as established by the act incorporating the said Bank. [Feb. 10, 1815.]

Capital, &c.

Proviso.

Proviso.

An ACT to incorporate The Easton Manufacturing Company.

Chap. 96.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That David Manly, Oliver Ames, Elijah Smith, Nathaniel Howard, Elijah Lothrop, Thaddeus Howard, jun. Eliphalet Mitchell, and Asa Howard, together with such other persons as have or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Easton Manufacturing Company, for the purpose of manufacturing cotton, woollen cloth and yarn, at Easton in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cotton and woollen cloth and yarn, at Easton aforesaid. [Feb. 10, 1815.]

May hold real and personal estate.

An ACT in addition to an act, entitled "An act to incorporate Ezekiel Hersey Derby and others for the purpose of building a Bridge over South River in Salem."

Chap. 98.
(1805 ch. 49.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Salem shall be, and hereby is authorized and empowered to reduce the leaves of the draw of the South Salem bridge to the length of twenty feet, within the railing, and hereafter to maintain and keep the same of such length, between twenty feet and thirty feet, as by the said town shall be deemed most expedient, any thing in the act to which this is in addition to the contrary notwithstanding. [Feb. 10, 1815.]

May reduce leaves.

Chap. 99.
(1787 ch. 33.)
(V. 1. p. 180.)
(1811 ch. 60.)

Town may
prohibit the
taking Fish.

An ACT for further regulating the Fishery in Matteisett River, in the town of Rochester.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this act, the inhabitants of the town of Rochester, at any meeting legally warned for that purpose, may prohibit the taking any of the fish called alewives in Matteisett River in said town for the present year, excepting at one place therein, to be by them appointed in said meeting; and may also, by their vote, in such meeting, establish such mode of taking said fish, at such place as they shall think proper.

SECT. 2. *Be it further enacted,* That the said inhabitants, at such meeting, may appoint some person or persons to take said fish in such place, for such year (not exceeding three days in a week) for the use of said inhabitants, to be disposed of in such way and manner, as they in such meeting by vote shall agree upon.

Penalty for not
conforming to
rules.

SECT. 3. *Be it further enacted,* That if any person or persons who shall be so appointed, or any person who shall purchase the exclusive right, of taking said fish at any place in said river, according to the laws now in force for that purpose, shall not conform to the rules and regulations, for them respectively established by said inhabitants, such person or persons shall for each breach of such rules and regulations, forfeit and pay to said inhabitants twenty-five dollars, to be recovered in an action of debt in any Court proper to try the same. [Feb. 10, 1815.] Further act—1817 ch. 136.

Chap. 100.
1793 ch. 21.
(V. 1. p. 465.)

An ACT in further addition to an act, entitled "An Act for incorporating James Sullivan, Esq. and others, by the name and style of the Proprietors of Middlesex Canal."

May demand
toll.

(1812 ch. 113.
43.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Middlesex Canal, be, and hereby are, authorized and empowered to demand and receive toll on boats and rafts, that shall pass Wicasee lock and canal in the town of Tyngsborough in this Commonwealth, at the following rates, viz. For every cord of pine wood eight cents, for every other kind of wood ten cents per cord, for every ton of merchandize or other loading ten cents, for other articles going down the canal, one tenth of the toll now allowed on the same articles at the Middlesex Canal. [Feb. 11, 1815.]

Chap. 101.

An ACT to establish The Oakham Cotton and Woollen Factory Company.

Persons in-
corporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Luke Robinson, Asa French, jun. and Eli Fairbanks, with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Oakham Village Cotton and Woollen Factory Company, for the manufacture of cotton and woollen cloth and yarn, in the town of Oakham, in the county of Worcester; and for this purpose shall have all the powers and privileges, and shall also be subject to all the

duties and requirements, prescribed and contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said the corporation, may lawfully hold and possess such real estate to the value of ten thousand dollars, and such personal estate, to the value of twenty thousand dollars, as may be necessary and convenient for carrying on said manufacture of cotton and woollen cloth and yarn in the said town of Oakham. [Feb. 16, 1815.] May hold real and personal estate.

An ACT in addition to an Act, entitled, "An Act to incorporate certain persons into a Company, by the name of The South-Boston Association." Chap. 103.
1805 ch. 9.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act made and passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and five, entitled, "An Act to incorporate certain persons into a company, by the name of The South-Boston Association," be, and the same is hereby continued in force until the fourteenth day of June, which will be in the year of our Lord one thousand eight hundred and twenty, any thing in the act to which this is in addition to the contrary notwithstanding. [Feb. 16, 1815.] Further act—1819 ch. 152. (V. 3. p. 607.) Act continued.

An ACT in further addition to an Act, entitled, "An Act authorizing a Lottery, for completing the repairs of Plymouth Beach." Chap. 104.
1811 ch. 148.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the managers appointed under the act, authorizing a Lottery for completing the repairs of Plymouth Beach, be, and they hereby are authorized to deduct, not only the charges of stationery, printing and other expenses of drawing each class, but also like reasonable compensation for their services and expenses, as was allowed by the President and Fellows of Harvard College, to the Managers of the Lottery under their act of March 14th, 1806, from the sum raised by each class; and that the remainder be considered the "whole proceeds" mentioned in said act, any thing in the acts, to which this is an addition, to the contrary notwithstanding. [Feb. 16, 1815.] Further act—1816 ch. 71. 1812 ch. 18. Managers authorized to deduct expenses.

An ACT to set off Hezekiah Corey, jun. from the town of Gardner, and annex him to the town of Ashburnham. Chap. 105.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Hezekiah Corey, jun. of Gardner, in the county of Worcester, with his family and the lot of land containing about forty acres, lying in said town of Gardner, and on which said Corey now lives, be, and hereby are set off from said town of Gardner, and annexed to the town of Ashburnham, in said county; and the said lot of land shall hereafter constitute a part of said town of Ashburnham; and said Corey be liable to all the duties, and entitled to all the rights and privileges of an inhabitant of said town of Ashburnham: *Provided neverthe-* Person set off.

Proviso.

less, said Corey shall be holden to pay all taxes legally assessed upon him in said town of Gardner prior to passing this act, in the same manner as though this act had not been passed: *Provided also*, That said town of Ashburnham shall not discontinue a town road laid out through said lot of land for the accommodation of a farm now in the occupation of Jonathan Bancroft, jun. but the same shall be, and remain as it is now located: *And provided further*, That all and every person who may have gained a settlement in the town of Gardner, by residing on said lot of land, and who might hereafter become poor and chargeable to said town of Gardner, shall nevertheless be taken to be the proper poor of, and be supported by the said town of Ashburnham, any law, usage, or custom, to the contrary notwithstanding. [Feb. 16, 1815.]

Chap. 106.

An ACT to incorporate The Third Religious Society in Dorchester.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Withington, Benjamin Fuller, James Tolman, Mark Hollingsworth, Dexter Tiffany, Amasa Fuller, Edmund Baker, Thomas Crehore, Euclid Tileston, Charles Park, John Bussey, Stephen Pierce, John Bussey, jun. James Pierce, Samuel H. Spurr, Henry Cox, Thomas Bussey, Caleb Jarvis, Benjamin Parsons, Isaac Sanderson, James Kelton, Isaac Cox, John Lillie, Henry Crane, Darius Brewer, David Brewer, Seth Briggs, Walter Baker, Jesse Sumner, William H. Wood, William Mellus, Joshua Pierce, Reuben Swan, Elisha Lapham, David Johnson, Comfort Foster, Ezekiel Holden, Ezra Badlam, Edward Haynes, Lemuel Shepard, Ebenezer Stedman, Nathaniel Ferrett, William Humphry, Stillman Lincoln, William Bumstead, Henry Smith, John Paul, Henry Clark, Zenas Eaton, Samuel Withington, jun. Ebenezer Davenport, Samuel B. Pierce, Thomas Munroe, Abner Stoddard, Samuel Williams, William Trescott, Peter Mayo, Sylvanus Crosby, Thomas Bell, Charles Prentiss, John Nightingale, Isaac Crane, Jesse Inglee, Oliver Warren, William E. Vincent, Luther Gay, Zachariah Cain, Ebenezer Trescott, Sewell Fessenden, Samuel Richards;—petitioners, with such other inhabitants of the towns of Dorchester and Milton, as shall desire to unite with them, be, and they hereby are incorporated into a parish, by the name of The Third Religious Society in Dorchester, with all the powers, privileges and immunities, to which the other parishes in this Commonwealth are by law entitled.

Property liable to be taxed.

SECT. 2. *Be it further enacted*, That the polls and estates, property of the petitioners, and of all other persons who may become members of said Third Religious Society, and the property they shall respectively hold or occupy on the first day of May annually in said towns of Dorchester and Milton, shall be taxable in said Third Religious Society and in that only for parochial purposes.

SECT. 3. *Be it further enacted*, That whenever any person being an inhabitant of said Dorchester or Milton, shall desire to become a member of said Religious Society, such member-

ship shall be certified by a committee of said society chosen for that purpose and filed with the clerk of the town or parish, to which he or she belongs, and the certificate of such committee may be as follows:

We certify that _____ of the town of _____ is a member of the Third Religious Society in Dorchester; dated this _____ day of _____ A. D. 18 ____.

Form of certificate.

} Committee.

Said certificate to be filed as aforesaid, fourteen days previous to the annual meeting of said third parish in March or April; such person or persons, paying his or her proportion of all monies voted in the Religious Society to which he or she belonged previous to his joining said third parish, shall from and after giving such certificate with his or her polls and estates, be considered as a member of said Third Religious Society.

SECT. 4. *Be it further enacted*, That if any member of said Third Religious Society shall see cause or be inclined to leave said society and join in worship with any other religious society in said town of Dorchester, or in any other town of which he may be an inhabitant, shall give his or her name to the clerk of said Third Religious Society, signed by the minister or clerk of the parish, or other incorporated society, with which he or she may unite, that he or she has actually become a member of and united in religious worship in such other parish or other incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of the society to which he or she may so unite.

May leave this society.

SECT. 5. *Be it further enacted*, That the income of the ministerial land so called, which was given and set off for the use and maintenance of the ministry, and the income of all other ministerial land and property, which shall be used for the support and payment of the ministers of the gospel in the town of Dorchester, shall be annually divided between the first, second, and third religious societies, in the same proportion that the members of each parish shall collectively bear to each other, in the state tax, which shall be assessed from time to time in the town of Dorchester, to be annually compared and ascertained by the assessors of the three parishes, and to be drawn from the town treasury accordingly.

Income to be annually divided.

SECT. 6. *Be it further enacted*, That all the ministerial taxes assessed and collected within the town of Dorchester on estates belonging to non-residents, shall be divided between the first, second, and said Third Religious Society in the ratio established for the division of the income of the ministerial land and property.

Ministerial taxes to be divided.

Empowered to
raise money.

SECT. 7. *Be it further enacted.* That the qualified voters as herein after specified, in said Third Religious Society be, and they hereby are authorized and empowered to grant and vote, from time to time, such sums of money as they shall judge necessary for the settlement and support of the ministry in said society, and for all other necessary parish charges, which sums may be assessed on the pews in the meeting-house belonging to said society, in the proportion specified in the deeds of conveyance from Edmund Baker to the original proprietors: and if any proprietor or proprietors of a pew or pews, shall neglect or refuse to pay any assessment made as aforesaid, within sixty days next after the time appointed for the payment of the same, the treasurer of said society shall have power to sell the pew or pews of such delinquent proprietors, together with his right and interest in said house at public auction, first giving notice to the delinquent proprietors of the time and place of sale, by posting up notifications thereof at the meeting-house of said society, fourteen days at least before the day of sale; and the said treasurer is hereby authorized to make, execute, acknowledge and deliver to the highest bidder good and sufficient deed or deeds of any pew or pews sold in manner as aforesaid; and the surplus money, (if any there shall be,) arising from such sale beyond satisfying the assessment aforesaid and intervening charges, he shall return to the delinquent proprietor or proprietors.

Power to sell
pews of delin-
quent proprie-
tors.

Proprietors en-
titled to vote.

SECT. 8. *Be it further enacted,* That the proprietors or occupiers only of the pews, in the meeting-house, built by the said Third Religious Society, shall be entitled to vote in parish affairs, so that one vote may be given for each pew, any thing in this act to the contrary notwithstanding.

Justice to issue
his warrant.

SECT. 9. *Be it further enacted,* That any Justice of the Peace in the county of Norfolk be, and he is hereby authorized and empowered, to issue his warrant, directed to some suitable member of said society, to notify and warn the legal voters of the said Third Religious Society to meet at such time and place as shall be appointed in said warrant, to choose such officers and transact such business as parishes are by law entitled to choose and transact in the month of March or April annually. [Feb. 16, 1815.]

Chap. 108.

An ACT to incorporate the Second Parish in the town of Lynn into a separate town by the name of Saugus.

Town incorpo-
rated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of the town of Lynn, in the county of Essex, lying and being situate within the boundaries of the second parish in Lynn aforesaid, together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of Saugus, viz. beginning at Bride's brook, so called, and running as the said brook runs till it meets the river that runs between Chelsea and Lynn, and then by the said river until it meets Pines river, and then by said Pines river until it meets Saugus river, and then along Saugus river, by the

middle of the said river to the great bridge, so called, then running from the said bridge a straight line to the easterly end of the farm now owned by William Sweetser and Ephraim Sweetser, formerly belonging to John Hawk's successors, and then turning and running to the line of Lynnfield to the northern side of land now belonging to John Reading, formerly of Isaac Larrabee, thence running by the line of Lynnfield until it meets the line of the town of South Reading, thence running by the line between South Reading and Lynn until it comes to the three county mark, so called, thence running on the line between Chelsea and Lynn, until it comes to Bride's brook, the place first set out from.

Boundaries.

SECT. 2. *Be it further enacted*, That the said town of Saugus shall be entitled to hold such proportion of all the real and personal estate now belonging to and owned in common by the inhabitants of the town of Lynn as the property of the inhabitants of the said town of Saugus now bears to the property of all the inhabitants of the present town of Lynn, according to the latest valuation thereof, excepting always all rights of common landing places, uses and privileges heretofore possessed by the inhabitants of the said town of Lynn, all which shall be held and enjoyed by the towns respectively within whose limits the same may be, except the privileges on pine beach, which shall hereafter be enjoyed by the inhabitants of the said town of Lynn and the said town of Saugus in common.

Possession of property allowed.

SECT. 3. *Be it further enacted*, That the said town of Saugus shall be holden to pay their proportion to be ascertained as aforesaid of all debts and claims now due and owing from the said town of Lynn, or which may hereafter be found due and owing, by reason of any contract, engagement, judgment of court, or any matter or thing now or heretofore entered into or existing; and shall be entitled to receive their proportion, to be ascertained as aforesaid, of all the debts, taxes and monies now due to the said town of Lynn.

Shall pay debts, &c.

SECT. 4. *Be it further enacted*, That the said town of Saugus shall be holden to support their proportion of the present poor of the said town of Lynn, which proportion shall be ascertained as aforesaid; and all persons, who shall or may hereafter become chargeable as paupers, shall be considered as belonging to that town, on whose territory they may have gained a legal settlement, and shall be supported by that town only.

To support poor.

SECT. 5. *Be it further enacted*, That nothing in this Act shall be so construed as to alter or affect in any way parish privileges, or the right or manner of assessing and collecting parish taxes within or for either the said town of Lynn or the said town of Saugus, which said rights and privileges shall hereafter be held and enjoyed in the same manner, as if this Act had not been made.

SECT. 6. *Be it further enacted*, That there shall be and hereby is reserved to the town of Lynn the right to tax those inhabitants of the said town who now own salt marsh on the southerly and easterly side of the Salem turnpike road, but within the limits of the said town of Saugus, so long as the same shall

Right to tax inhabitants.

continue to be owned by the inhabitants of the said town of Lynn, or the heirs of the said inhabitants who now own the same.

Privileges of fishery held.

SECT. 7. *Be it further enacted*, That the rights and privileges of the alewife fishery shall be held and enjoyed hereafter by the towns respectively within whose limits the streams may run, in the same manner as is now provided by law for the town of Lynn.

Justice to issue warrant.

SECT. 8. *Be it further enacted*, That either of the Justices of the Peace for the county of Essex is hereby authorized to issue a warrant, directed to some inhabitant of the said town of Saugus, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be expressed in said warrant, for the choice of all such officers, as towns are by law required to choose, in the months of March or April annually. [Feb. 17, 1815.]

Chap. 109. AN ACT incorporating the Stockbridge Cotton and Woollen Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Brown, jun. John Hunt, Erastus Williams, and Luther Plumb, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Stockbridge Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth in the town of Stockbridge, in the county of Berkshire; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March in the year of our Lord one thousand eight hundred and nine.

(1808 ch. 65.)

May hold real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and personal estate, not exceeding the value of eighty thousand dollars, as may be necessary and convenient for the purposes aforesaid. [Feb. 18, 1815.]

Chap. 110. AN ACT to incorporate the Rock-bottom Cotton and Wool Factory.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joel Cranston and Silas Jewell, with such other persons as already have or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Rock-bottom Cotton and Wool Factory, for the purpose of manufacturing cotton and woollen cloth and yarn in the town of Stow, in the county of Middlesex; and for such purposes shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding twenty thousand dollars, and such personal estate, not exceeding thirty thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 18, 1815.]

May hold real and personal estate.

An ACT to incorporate the Farmers Manufacturing Company, in Lenox.

Chap. 111.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Ellis, Levi Belden, and Charles Mattoon, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Farmers Manufacturing Company, for the purpose of manufacturing woollen cloth in the town of Lenox, in the county of Berkshire; and for that purpose, shall have all the powers and privileges, and shall also be subject to all the duties and restrictions prescribed and contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, may lawfully hold and possess real estate, not exceeding the value of ten thousand dollars, and personal estate, not exceeding twenty thousand dollars, for the purposes aforesaid. [Feb. 18, 1815.]

An ACT to incorporate the Steep Brook Cotton and Woollen Manufacturing Company.

Chap. 115.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Crane, Isaac Thayer, David Wild, and Bethuel Drake, with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Steep Brook Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of Canton, in the county of Norfolk; and for that purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and liabilities, contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and woollen yarn and cloth in said town of Canton. [Feb. 18, 1815.]

May hold real and personal estate.

An ACT to incorporate the Berkshire Medical Botanical Society.

Chap. 116.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*,

Persons incor-
porated.

That Simeon Brown, Joshua Whitney, Jonathan Allen, 2d, John Dickinson, Stephen Mead, Amasa Foard, Jesse Torrey, jun. Lyman Peabody, Charles Foard, James Brown, and Eli Maynard, together with such other persons as may hereafter associate with them, and their successors and assigns, be, and they are hereby incorporated into a society, by the name of the Berkshire Medical Botanical Society; and by that name may sue and be sued to final judgment and execution; may have a common seal, which they may alter at pleasure; and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer.

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That the said society shall be, and are hereby empowered, to purchase and hold any real estate, to the value of five thousand dollars, and personal estate to the like amount, both of which to be appropriated exclusively for the promotion of medical and botanical science.

Choice of offi-
cers.

SECT. 3. *Be it further enacted*, That the said society may choose a president, treasurer, and secretary, and such other officers as they shall see fit; and may make and establish such rules and regulations as to them shall appear necessary; *provided* the same be not repugnant to the laws or constitution of this Commonwealth.

May call a
meeting.

SECT. 4. *Be it further enacted*, That any three of the above named persons may appoint the time and place of the first meeting of said society, by inserting an advertisement in one of the newspapers printed in the county of Berkshire, three weeks successively previous to the time of meeting; at which meeting the said society may choose the officers aforesaid, appoint the time and place of their annual and other meetings, and adopt such rules and regulations, as are provided for in this Act. [Feb. 18, 1815.]

Chap. 118.

AN ACT to annex George Williams and Apollos Padelford, to the Taunton and Middleborough Precinct Parish.

Persons set off.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That George Williams, his family, polls and estate, lying in the town of Taunton, in the first parish in said town, and Apollos Padelford, his poll and estate, lying also in said Taunton, and in said first parish in said town, be, and they hereby are set off from the said first parish, incorporated and known by the name of the first congregational society in the town of Taunton, and annexed to the Taunton and Middleborough precinct parish, lying partly in said town of Taunton, and partly in the town of Middleborough, and shall forever hereafter be considered as belonging thereto, enjoying all parish privileges, and to pay parish charges which may arise within the same: *Provided nevertheless*, That they be holden to pay all such taxes as may be now due from them or their estates, to the said first parish, in the same manner as though this act had not passed. [Feb. 20, 1815.]

Proviso.

Chap. 120.

AN ACT incorporating The Brimfield Cotton and Woollen Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representa-*

tives, in General Court assembled, and by the authority of the same, That Israel Elliot Trask, Elias Carter, Peleg C. Janes, Augustus Janes, and Elijah Abbot, with such others as have associated, or may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Brimfield Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn in said town; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled "An act, defining the general powers and duties of Manufacturing Corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(Name changed 1820 ch. 76.)

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid in said town of Brimfield. [Feb. 20, 1815.] See 1820 ch. 76 : 1821 ch. 5.

May hold real and personal estate.

An ACT for repealing in part an act, entitled, "An Act for erecting that tract of land in the county of Berkshire, called New Ashford, into a District, by the name of New Ashford."

Chap. 121.
1780 ch. 20.
(V. 1. p. 8.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an act passed the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-one, entitled, "An act for erecting that tract of land lying in the county of Berkshire, called New Ashford, into a district, by the name of New Ashford," as grants to said district liberty to join with Lanesborough for the purpose of sending a representative to the General Assembly, be, and the same is hereby repealed. [Feb. 20, 1815.]

Act in part repealed.

An ACT in addition to an act, for regulating the proprietors of certain meadows and flat ground in Hingham.

Chap. 123.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of certain flats in the town of Cohasset, formerly called Hingham, at a place called Little Harbour in said town, shall have and enjoy all the powers and privileges granted to the proprietors of the meadows and flat ground within the cove called the little harbour in the township of Hingham, in the county of Suffolk, by an act passed in the year of our Lord one thousand seven hundred and fifty-eight, and by an act passed in addition to said act, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and five.

Rights and privileges.

(31 Geo. 2, ch. 2.)
1804 ch. 60.
(V. 3. p. 496.)

SECT. 2. *Be it further enacted,* That all such contracts as have been already entered into by the proprietors of said meadows with the proprietors of said flats, are hereby established and rendered valid to all intents and purposes.

Contracts made valid.

SECT. 3. *Be it further enacted,* That the proprietors of said

Power to sell
shares of delin-
quent proprie-
tors.

flats may cause to be sold at public vendue, the share of any proprietor, who shall neglect to pay any assessment duly voted and agreed upon by said proprietors, to their Treasurer, within sixty days after the time set for the payment thereof, they giving thirty days notice of the time, place, and cause of the sale, by posting up a notification, in some public place, in the several towns of Cohasset, Hingham, and Scituate; and it shall be the duty of said proprietors to pay over to said delinquent on demand, the surplus, if any, after satisfying said assessment and incidental expenses attending said sale.

Proprietors'
power.

SECT. 4. *Be it further enacted*, That the proprietors of said flats shall have the power to use, regulate and control the beach below the dam, through which the water runs into the sea. [Feb. 25, 1815.]

Chap. 124.
1806 ch. 89.
1809 ch. 65.

An ACT to empower the Union Marine and Fire Insurance Company in Newburyport to sell their real estate, and for other purposes.

May sell real
and personal
estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Union Marine and Fire Insurance company in Newburyport be, and they hereby are authorized and empowered, at such time as may be deemed most expedient, to sell and dispose of their estate both real and personal.

Authorised to
make deeds.

SECT. 2. *Be it further enacted*, That John Balch, Nicholas Johnson, jun. and Jacob Gerrish, or any two of them, be, and they are hereby authorized, to make and execute to the purchaser or purchasers of the real estate aforesaid, or any part thereof, good and sufficient deed or deeds of conveyance, which being acknowledged before a Justice of the Peace, and recorded in the Registry of deeds for the county of Essex, shall be good and sufficient to pass, to the purchaser or purchasers and their heirs and assigns forever, all the right, title, interest and estate, which said Company have in and to the same.

May appoint
committee.

SECT. 3. *Be it further enacted*, That said Union Marine and Fire Insurance Company, at any meeting duly called therefor, may appoint a committee to collect the debts due to, and settle all demands against said Corporation, with the same powers therefor, as the president, and directors of said Company now have; and it shall be the duty of the committee so chosen, to determine on the time and place of sale of their real estate, and to apportion the residue of their funds among the stockholders of the capital stock of said Company, according to the number of shares by them respectively holden; and to adopt all proper measures for bringing the concerns of said Company to a close.

And whereas said Company have divers claims and demands, which cannot be immediately settled: Therefore,

Debts and
demands.

SECT. 4. *Be it further enacted*, That nothing in this act contained, shall preclude said Company from having and maintaining, at any time hereafter, in their corporate name, any suit or suits at law for the recovery of all debts or demands due or belonging to them, or from prosecuting to final judgment and execution, any suit or suits now pending: *Provided*, the stockholders be jointly and severally, as well as in their corporate

Proviso.

capacity, liable for all outstanding debts and claims existing against said Company, at the time said stockholders shall make such apportionment and distribution of their funds as authorized by this act. [Feb. 25, 1815.]

An ACT in addition to an act, entitled "An act to incorporate the President, Directors and Company of the Hampshire Bank,"

Chap. 125.
1813 ch. 59.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an act, entitled "An act to incorporate the President, Directors and Company of the Hampshire Bank," as regards the time at which the stockholders of said Bank are required to pay in their fourth instalment of the capital stock thereof, be, and hereby is repealed: and that the stockholders of said bank be, and they hereby are required to pay in their said fourth instalment of the capital stock of said bank, on the first day of March, in the year of our Lord one thousand eight hundred and sixteen. [Feb. 25, 1815.] Further acts—1815 ch. 98: 1817 ch. 55.

Further time
given.

Further time,
1815 ch. 98.
1817 ch. 55.

An ACT in addition to an act, entitled "An act empowering the town of Pembroke to regulate and order the taking and disposing of the fish called Alewives, within the limits of the said town."

Chap. 128.
1789 ch. 43.
(V. 1. p. 269.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person or persons shall set, draw, or cast any seine, drag or set net, of any dimensions whatever, in the North River so called, in the county of Plymouth, except from the sun's rising to the sun's setting of the Mondays, Wednesdays, and Fridays of each week; and that no person or persons shall, on said days, by boats, seines, drag nets, or by any other mode, in the North River, drive any fish into any seine, set net, or other receptacle, by which fish may be taken; and all seines, drag or set nets, cast into said river on the days mentioned in this act, shall be restricted from sweeping in said river, further than can be done by confining one end of said seine to the bank of the river aforesaid; and no seine, drag or set net shall be set, drawn, or cast into said river, above what is commonly called and known by the name of the Third Herring Brook, or Smelt Brook; and no seine used in said river shall exceed the width of the river where it is used, on the penalty of fifty dollars for each and every offence, to be recovered and appropriated in the manner provided for in the act, to which this in addition.*

Time appointed
to catch
fish.

SECT. 2. *Be it further enacted, That the Act supplementary to an Act, regulating the taking and disposing of the fish called alewives in the town of Pembroke, passed June the twenty-fifth, one thousand eight hundred and eleven, and the ninth section of an Act, entitled, "An Act empowering the town of Pembroke to regulate and order the taking and disposing of the fish called alewives within the limits of the said town," be, and the same are hereby repealed. [Feb. 25, 1815.]*

Acts repealed.
(1811 ch. 72.)
(1789 ch. 43.)

An Act for regulating the Fishery in the Towns of Salem and Danvers.

SECT. 1. *BE it enacted by the Senate and House of Represen-*

Chap. 129.

tatives, in General Court assembled, and by the authority of the same, That all the provisions for the preservation of the fish called *shad, and for regulating the taking the same, contained in an Act, entitled, "An Act for the preservation of the fish called alewives, in their passage up the rivers and streams leading through the towns of Salem and Danvers, in the county of Essex, and for regulating the taking said fish in said streams, and for repealing all laws heretofore passed for regulating the fishery in said streams and rivers." shall be, and hereby are extended to the fish called shad; and the fish committees of the said towns of Danvers and Salem shall hereafter have the same powers, authority and privileges, and be subject to the same duties for the preservation and taking shad, as they now have, and are subject to for the preservation and taking of alewives.

Empowered to
make a sluice
way.

SECT. 2. *Be it further enacted,* That the said fish committees or either of them shall be, and they hereby are authorized and empowered to make and open a sluice-way in the brook running from spring pond, so called, and to keep and maintain the same open, and without obstruction, and to shut and close the same up, as they may think expedient. and also to open and clear the passage ways and streams, leading from the said pond, for the purpose of enabling young fish to pass down from the said pond, from the tenth day of April to the last day of November, in every year; and for this purpose the said committees or either of them, or any member thereof, shall have authority to go on the land of any person, through which the said streams run, or on which such land may be bounded, without being considered as trespassers; and any person who shall molest or hinder the said committees or either of the members thereof, in the execution of this part of their office, or shall obstruct the said sluice-way or passages, otherwise than may be allowed by said committee or committees, he or she shall forfeit and pay a sum, not exceeding fifty dollars, nor less than five dollars, to be recovered and appropriated in the same manner as forfeitures and penalties for the breach of the Act,

Forfeiture.

(1806 ch. 117.)

entitled, "An Act for the preservation of the fish called alewives, in their passage up the rivers and streams leading through the towns of Salem and Danvers, in the county of Essex, and for regulating the taking said fish in said streams, and for repealing all laws heretofore passed for regulating the fishery in said streams and rivers," are recovered and appropriated: *Provided,* That this Act shall not give the said committees, or either of them, any new powers and privileges concerning the mills, or the sluice or passage ways at the mills on said streams, after the first day of June in each year. [Feb. 27, 1815.]

Proviso.

* This provision, though apparently erroneous by inserting "shad" instead of "alewives," is correctly transcribed from the original roll. The petition prayed for the extension to shad, of the provisions of the existing law in relation to alewives. By this inadvertance in drawing and engrossing the bill, the provision itself is rendered wholly inoperative.—ED.

An ACT to establish The Westport Cotton Manufacturing Company.

Chap. 132.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Hale, Joseph Gray, John Mason, and Hanan Wilbour, together with such others as may hereafter associate with them, and their successors or assigns, be, and they are hereby made a corporation, by the name of The Westport Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Westport; and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cotton aforesaid. [Feb. 27, 1815.]

May hold real and personal estate.

An Act to regulate the Fisheries in the Town of Yarmouth.

Chap. 134.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the passing of this Act, the town of Yarmouth shall be, and hereby are empowered and directed at their meeting for the choice of town officers in March or April annually, to choose three or more persons, being freeholders in the said town, to see that this Act be duly observed; and each person, so chosen, shall be sworn faithfully to discharge the duties required of him by this Act; and the said committee shall meet together annually, on or before the twentieth day of April, and at such time and place as they, or a majority of them, shall appoint; and the major part of the committee present at such meeting, are hereby authorized and empowered to order the times, places and manner, in which it may be lawful to take any of the fish called herring, alewives, perch, and eels, in said town; and the said committee, or a majority of them, are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass, to be kept open and without obstruction, to remove such as may be found therein, and to make the said passage-ways wider or deeper, if they shall judge it necessary; and said committee or either of them, paying a reasonable consideration therefor, if demanded, shall have authority, for those purposes, to go on the land or meadow of any person, through which said streams run, without being considered as trespassers; and any person who shall molest or hinder the said committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage-way in the rivers, streams, coves, or ponds in said town, otherwise than may be allowed by the said committee, he or they shall forfeit and pay a fine for

Empowered to choose officers.

Streams to be kept open.

Forfeiture.

every such offence, not exceeding ten dollars, nor less than three dollars.

May open
dams.

SECT. 2. *Be it further enacted*, That the said committee, or the major part of them present at any meeting duly notified, being not less than three in number, shall be, and hereby are authorized and empowered to open, or cause to be opened any dam, or sluice of any mill, or other dam now erected, or that may be hereafter erected on, or over any of the said rivers or streams, between the place where such rivers or streams empty themselves into the sea, at low water, and the ponds in which the said fish usually cast their spawns, at the expense of the owner or owners of such dam or sluice, *provided* such owner or owners shall neglect to open the same when thereto required by the said committee, or the major part of them, immediately after being thus required so to do: and the dam or sluice so opened shall continue open every year, to such depth and width and for such term of time between the first day of April and thirtieth day of June, as the major part of said committee shall judge necessary; and if any person or persons shall obstruct the said passage-ways allowed or ordered by the said committee, or a major part of them, in any dam or sluice, such person so offending shall, on conviction before any justice of the peace for the county of Barnstable, pay a fine for every such offence not exceeding ten dollars, nor less than three dollars; and the said committee shall cause every such obstruction to be forthwith removed.

Proviso.

Penalty.

Penalty for
taking fish con-
trary to law.

SECT. 3. *Be it further enacted*, That if any person or persons shall take any of the said fish in the rivers, streams, ponds, or coves aforesaid, at any time, in any place, or in manner other than shall be allowed by the said committee as aforesaid, each person so offending, for each and every such offence shall, on conviction as aforesaid, pay a fine not exceeding four dollars, nor less than one dollar, if the quantity of fish so taken is less than one barrel: but if the quantity of fish so taken shall be one barrel or more, such person or persons so offending shall forfeit and pay for each and every barrel of fish so taken, the sum of four dollars.

Fish unlaw-
fully taken.

SECT. 4. *Be it further enacted*, That if the committee aforesaid, or either of them, shall detect any person or persons in attempting to take any of the said fish at any time or in any place, or in any manner, otherwise than is allowed by the committee, or shall find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish unlawfully, and shall be subject to the penalties of this Act accordingly, unless such person or persons can make it appear on trial, that they came by the said fish in some other way.

May seize
boats, &c.

SECT. 5. *Be it further enacted*, That if any vessel, boat, or craft, shall be found within the limits of any of the rivers, streams, ponds or coves, with any more of said fish than shall be permitted by the committee aforesaid, it shall be the duty of said committee, and they are hereby authorized to seize such vessel, boat or craft, and detain the same not exceeding forty-eight hours, in order that the same may be attached or

arrested by due process of law, and made answerable for said fines and forfeitures, with cost of suit: *Provided however*, That as soon as the owner or master of said vessel, boat, or craft, shall pay such fines and forfeitures to the treasurer of said town, if he shall pay the same before being sued, such vessel, boat, or craft, shall be discharged with the effects therein. Proviso.

SECT. 6. *Be it further enacted*, That all the forfeitures incurred by virtue of this Act, shall be to the use of the said town of Yarmouth, to be recovered by an action on the case, in any court proper to try the same, to be brought by the treasurer thereof. [*Feb. 27, 1815.*] Forfeitures incurred.

An ACT for altering the name of The Village Cotton Wool and Linen Manufacturing Company. Chap. 135.
1812 ch. 5.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this Act, the Village Cotton Wool and Linen Manufacturing Company, in Dudley, in the county of Worcester, shall be allowed to take the name of The Village Factory; and by that name shall hereafter be called and known, shall sue and be sued, any thing in their act of incorporation, to the contrary notwithstanding. [*Feb. 27, 1815.*] Name of company altered.

An ACT to regulate the Shad and Alewife Fishery within the Town of Billerica. Chap. 137.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the inhabitants of the town of Billerica, at a legal town meeting in the month of March or April, annually, to choose a committee of three or more discreet persons, to sell or otherwise dispose of the exclusive right or privilege of taking shad and alewives in Concord river, within the limits of said town, at such times and places, and under such regulations and restrictions, not repugnant to the laws of this Commonwealth, as said committee shall, from year to year, establish and determine; a copy of which shall be posted up, at three public places at least, in the said town; and the emoluments arising from said right or privilege shall be appropriated to such uses and purposes as said inhabitants shall, in legal town meeting, from time to time determine. May appoint a committee.

SECT. 2. *Be it further enacted*, That if the purchaser or purchasers of said right, or any person by them employed, shall take any of said fish, in any other manner, or at any other time and place, than said committee shall authorize and allow, or if any other person, except the said purchaser or purchasers, or those by them employed, shall take any of said fish in said river, within the limits of said town, every person so offending, or who shall be aiding or abetting therein, shall for every offence forfeit and pay a sum not exceeding thirteen dollars, nor less than seven dollars, to be recovered by action of debt before any justice of the peace within the county of Middlesex; one moiety to him who shall sue for the same, and the other moiety to the use of the said town of Billerica. Penalty for not conforming to rules.

SECT. 3. *Be it further enacted*, That said committee shall have power to determine and establish the price, which said Power.

purchaser or purchasers shall have a right to demand and receive for said fish; and if any such purchaser, or any person acting under their authority, shall refuse to sell said fish, when in their power so to do, at the price which shall be determined as aforesaid, of which notice shall have been given them by said committee, every person so offending shall, for each offence, forfeit and pay a sum not exceeding ten dollars, nor less than five dollars to the person injured, to be recovered as aforesaid: *Provided nevertheless*, That nothing in this Act contained shall be construed to take away or impair the authority of any fish wardens, or any other persons, derived from any existing laws for regulating the taking of fish in said river, except so far as it relates to the appropriation of forfeitures, for offences mentioned in the second section of this Act. [Feb. 23, 1815.] See 1820 ch. 70.

Proviso.

Chap. 138.

An ACT to establish the Dean Cotton Manufacturing Company.

Persons incorporated.

(1808 ch. 65.)

May hold real and personal estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Robert Dean, William Strobbridge, Jesse Hartshorn, Joseph Dean, jun. William Reed, and Cyrus Caswell, with such others as have associated, or may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Dean Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in Taunton, in the county of Bristol; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and possessed of such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton yarn and cloth, in said town of Taunton. [Feb. 28, 1815.]

Chap. 139.

An ACT to incorporate the Stockbridge Cotton Manufacturing Company.

Persons incorporated.

(1808 ch. 65.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Frederick Perry and Augustus Sherrill, together with such as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Stockbridge Cotton Manufacturing Company, for the purpose of manufacturing cotton cloth and yarn in the town of Stockbridge, in the county of Berkshire; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted*, That said corporation may

lawfully hold and possess real estate, not exceeding the value of thirty thousand dollars, and personal estate, not exceeding sixty thousand dollars, for the purposes aforesaid. [Feb. 28, 1815.]

May hold real and personal estate.

An ACT to establish a Ministerial Fund, in the town of East Sudbury.

Chap. 144.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the selectmen of the town of East Sudbury for the time being, and the deacons of the church for the time being, in the said town of East Sudbury, be, and they are hereby appointed and incorporated as trustees, by the name of the trustees of the East Sudbury Ministerial Fund; and by that name they and their successors in office shall be, and continue a body politic and corporate forever. And they shall have a common seal, subject to alteration; and they may sue and be sued in all actions, real personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid; and shall have all other powers which are incident to, and necessarily belonging to the like corporations; and the said trustees and their successors may annually elect one of their number as president, and a clerk to record the doings of said trustees, and a treasurer to receive and pay the money belonging to the said fund, according to the provisions of this Act, who shall give bond to the said trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands conformably to the true intent and meaning of this Act, and for all neglect or misconduct in his office.

Trustees incorporated.

SECT. 2. *Be it further enacted,* That the said trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land, belonging to the town of East Sudbury, which have been and are appropriated to the support of the ministry in said town, and the monies arising from the sale of the said land shall be put on interest, and shall form a fund for the support of the ministry in said town, which shall be under the care and management of the said trustees, in the manner provided for and directed in this Act; and all gifts, grants, donations, bequests or legacies, which have been, or may be hereafter made to and for the same use and purpose, shall be added to the said accumulating fund, and shall be under the same care and improvement of the trustees aforesaid: and when the said trustees shall loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned, or secured, by two or more sufficient sureties, with the principal; and the interest, and that only, shall ever be appropriated for the uses aforesaid; and it shall never be in the power of the said trustees to alter or alienate the appropriation of the fund aforesaid. And the said trustees are hereby authorized to make and execute a good and sufficient deed or deeds of the said several lots of land, which shall be subscribed by the treasurer, with their seal thereto affixed, and by him duly acknowledged; and when so execut-

Authority and power.

Authorized to make deeds.

ed and delivered, shall be good and effectual in law, to pass and to convey all the rights of said town in and to said real estate to the purchaser thereof.

Compensation
of officers.

SECT. 3. *Be it further enacted*, That the said trustees, treasurer, clerk, or other officers, or persons employed by them, shall be entitled to receive no compensation for the services they may perform, out of any monies belonging to the said fund, but a reasonable compensation shall be paid them by the town; and the said trustees, and each of them, shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund; and the debt or damage recovered in such suit, shall be to the use and addition of the said fund. And the said trustees and treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the funds, at the annual meeting in March or April.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the trustees named in this Act, requiring him to notify and call a meeting of the said trustees, to be holden at such convenient time and place, as may be appointed in said warrant, to organize the said corporation, by the appointment of its officers. [Feb. 28, 1815.]

Chap. 145.
1813 ch. 193.

An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Lynn Mechanics' Bank."

Further time
allowed.

(Further time
1816 ch. 36,
1817 ch. 153.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the last instalment of fifty dollars on each share of the capital stock of the Lynn Mechanics' Bank, in lieu of being paid in at the time as by law now prescribed, may be paid in at the discretion of the stockholders of said bank, at any time within one year from the passing of this Act, any thing in the Act to which this Act is in addition to the contrary notwithstanding. [Feb. 28, 1815.] Further acts—1816 ch. 36: 1817 ch. 153.

Chap. 146.

An ACT to establish the Union Cotton Factory Company.

Persons incor-
porated.

(Name chang-
ed 1820 ch. 76.)

(1808 ch. 65.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Roswell Merrick, Enoch Wiswall, George A. Pearse, and Artemas Wiswall, with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Union Cotton Factory Company, for the purpose of manufacturing cotton cloth and yarn, in the town of Monson; and for this purpose, shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, may lawfully hold and possess such

real estate, not exceeding the value of seventy-five thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton goods, in the said town of Monson. [Feb. 28, 1815.] See 1820 ch. 76 : 1821 ch. 5.

May hold real and personal estate.

An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Dedham Bank."

Chap. 147.
1813 ch. 175.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Dedham Bank, in lieu of being paid in at the several times, as by law now prescribed, may respectively be paid in at the discretion of the stockholders of said bank, at any time within one year from the passing of this Act, any thing in the Act to which this Act is in addition to the contrary notwithstanding. [Feb. 28, 1815.] Further act—1815 ch. 80.

Instalments to be paid within one year.
(Further time 1815 ch. 80.)

An ACT to incorporate the Cheshire Crown Glass Company.

Chap. 148.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Darius Brown, John Brown, John Leland, jun. Ambrose Kasson, and John Hunt, together with such others as may associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of the Cheshire Crown Glass Company, for the purpose of manufacturing glass of every description in the town of Cheshire, in the county of Berkshire; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess such real estate, not exceeding the value of seventy thousand dollars, and such personal estate, not exceeding thirty thousand dollars, as may be convenient and necessary for the manufacture of glass as aforesaid. [Feb. 28, 1815.]

May hold real and personal estate.

An ACT to incorporate the Duxbury South-River Manufacturing Company.

Chap. 151.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ahira Wadsworth, Thomas Winsor, Freeman Loring, Luther Phillips, Whittemore Peterson, Thomas Cushman, Dura Wadsworth, Isaiah Alden, Luther Peirce, Wadsworth Chandler, Daniel Chandler, David Delano, Peleg Weston, Bailey Hall, and Peleg Weston, jun. together with such other persons as have or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Duxbury South-River Manufacturing Company, for the purpose of manufacturing cotton and woollen goods (and machinery for the same) at Duxbury, in the county of Plymouth; and for that purpose shall have all the powers and

Persons incorporated.

(1808 ch. 65.) privileges, and be subject to all the duties and requirements contained in an Act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

May hold real and personal estate. SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton and woollen goods at Duxbury aforesaid. [March 1, 1815.]

Chap. 153.

An ACT to incorporate the Stratton Cotton Manufacturing Company.

(1808 ch. 65.) SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George Stratton, Melatiah Everett, William Sumner, Jacob Leonard, Beriah Mann, and Elias Nason, with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Stratton Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Foxborough, in the county of Norfolk; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties, requirements and liabilities, contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

May hold real and personal estate. SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid, in the said town of Foxborough. [March 1, 1815.]

Chap. 154.

An ACT to incorporate the Phillipston Cotton and Woollen Manufacturing Company.

Persons incorporated. (1808 ch. 65.) SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ignatius Goulding, Joseph Goulding, and Simon Bancroft, with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Phillipston Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth in the town of Phillipston; and for this purpose said corporation shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate, not exceeding the

value of twenty thousand dollars, and such personal estate, not exceeding twenty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid. [March 1, 1815.]

May hold real and personal estate.

An Act in addition to an Act, entitled "An Act to establish the Bluehill Turnpike Corporation."

Chap. 158.
1803 ch. 130.
(V. 3. p. 393.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Bluehill Turnpike Corporation shall and may lawfully hold and possess real estate, not exceeding in value ten thousand dollars.

May hold real estate.

SECT. 2. *Be it further enacted,* That if any person shall travel on the road of said corporation, and turn off the same when coming near the toll gate thereon, with a design to avoid paying toll, and then come on to said road again, notwithstanding it may have been where the turnpike was made on the old road, shall be liable to all the penalties provided in the Act establishing said corporation, for refusing or avoiding the payment of tolls: *Provided,* any part of said travelling be on that part of the turnpike not made on the old road. [March 1, 1815.]

Penalties.

Proviso.

An Act in addition to an Act, entitled "An Act to incorporate William Bartlet and others into a company, by the name of the Merrimack Insurance Company."

Chap. 160.
1813 ch. 32.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Act, entitled "An Act to incorporate William Bartlet and others into a company, by the name of the Merrimack Insurance Company," be, and the same is hereby revived, and the provisions thereof established and confirmed, unto the said William Bartlet and others, who are or shall become stockholders in said company, notwithstanding the failure of a compliance on the part of said company, with the terms of said Act: *Provided,* that nothing herein contained shall be construed to affect the liability or rights of said company, or the rights of any person or persons who may have been injured, by the failure of said company to comply with the terms of said Act.

Act revived.

SECT. 2. *Be it further enacted,* That the capital stock of said company, amounting to one hundred thousand dollars, shall all be paid in, within one year from the passing of this Act, viz. twenty-five per cent. thereof on or before the tenth day of April next, and the residue at such times within the year aforesaid, and in such instalments as said company shall direct.

Payment of capital.

SECT. 3. *Be it further enacted,* That William Bartlet, Nicholas Pike and Jeremiah Nelson, or any two of them, are hereby authorized to call a meeting of the members of said corporation as soon as may be, in Newburyport, for the purpose of electing a board of directors, to continue in office until the next annual meeting, by giving such notice as is required by the third section of the Act to which this is in addition. [March 1, 1815.]

Authorized to call meeting.

Further act—1814 ch. 177.

Chap. 162.

An ACT to regulate the Shad and Alewife Fishery in the town of Brighton.

May sell the fishery.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, from and after the passing this Act, it shall be lawful for the inhabitants of the town of Brighton, by their agents, to sell the right and regulate the places and manner of taking the fish called shad and alewives, within the limits of said town, subject in all things to an Act passed on the twenty-eighth day of February, one thousand eight hundred, entitled "An Act to prevent the destruction of the fish called alewives and shad, in Charles river." And the inhabitants of said town, at their annual meetings in March or April, are hereby authorized and empowered to appoint agents, whose duty it shall be to carry into execution the purposes of this Act.

SECT. 2. *Be it further enacted,* That the agents aforesaid may, for and in behalf of said town, and to their use and benefit, sell the right, regulate the places and manner of taking said fish within the limits of said town, for one or more years at a time, as the town may direct; and the proceeds arising by such sale, said agents shall be held to pay over to the treasurer of said town.

Duty of fish agents.

SECT. 3. *Be it further enacted,* That the said agents shall, after establishing such rules and regulations as they may think necessary, and by determining by whom said fish may be taken, cause an attested copy thereof to be posted up in some public place in said town; and if any person or persons, other than those to whom said right is sold, or persons employed by them, shall take any of the fish called shad or alewives, within the limits aforesaid, or if any person or persons to whom said right is sold, or those employed by them, shall take any of said fish in any other place or in any other manner than shall be expressed in the conditions of sale, every person so offending shall severally forfeit and pay a sum not exceeding ten dollars, nor less than four dollars, for each and every offence, to be recovered in an action on the case, to the use of any person who may sue for the same, or the town may sue by their fish agents. [March 1, 1815.]

Penalty for taking fish contrary to law.

Chap. 164.

An ACT altering the boundary line between Hadley and Amherst.

Boundary line fixed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the west boundary line of lot number fifteen, in the fifth division, originally laid out to John Smith, running from the north line of the town of South Hadley, to the bay road, and continued across said road, so as to intersect the north side thereof, together with all that part of the north side of said road, which lies between the point of said intersection and the original south west corner of the town of Amherst, shall forever hereafter constitute the boundary line between the town of Amherst and that part of the town of Hadley which lies south of the north side of the said road.

SECT. 2. *Be it further enacted,* That all the land lying south and west of the boundary, by this Act established, and hereto-

fore comprised within the limits of Amherst, be, and hereby is annexed to Hadley, and that all the land lying east of said boundary, and heretofore included within the limits of Hadley, be, and hereby is annexed to Amherst: *Provided*, that nothing herein contained shall prevent the collection of any taxes now due from the owners of said lands, to either of said towns. [March 1, 1815.]

Land annexed.

Proviso.

An Act for regulating the proceedings in suits upon Constables' Bonds in the town of Boston. Chap. 165.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when the condition of any bond which now is, or may hereafter be given to the treasurer of the town of Boston by any constable of said town, for the faithful performance of the duties of his office, shall be broken, to the injury of any person, such person may cause a suit to be instituted upon such bond, at his own costs, but in the name of the treasurer of the town of Boston, and the like endorsements shall be made on the writ, and the like proceedings be had thereon to final judgment and execution, and the like writs of *scire facias* on such judgment as may be made, and had by a creditor on administration bonds given to any Judge of Probate: *Provided however*, that no such suit shall be instituted by any person for his own use, until such person shall have recovered judgment against the constable, his executors or administrators, in an action brought for the malfeasance or misfeasance of the constable, or for non-payment of any monies collected by the said constable in that capacity, or a decree of a Judge of Probate, allowing a claim for any of the causes aforesaid, and such judgment or decree, or so much thereof as shall be unsatisfied, with the interest due thereon, shall be the proportion of the penalty for which execution shall be awarded: *Provided however*, that this Act shall not be construed to make any surety in any bond given by the constable as aforesaid, before the passing of this Act, liable to any suit which could not heretofore be legally prosecuted against him.

Bond broken.

Proviso.

SECT. 2. *Be it further enacted*, That it shall be the duty of the treasurer aforesaid to deliver an attested copy of any constable's bond to any persons applying and paying for the same; and such attested copy shall be received as evidence in any case: *Provided nevertheless*, that if in any suit the execution of the bond shall be disputed, the court may order the treasurer to bring the original bond into court. [March 1, 1815.]

Duty of the treasurer.

An Act in further addition to an Act, entitled "An Act in addition to an Act, entitled An Act in addition to an Act, granting a lottery for the purpose of completing the locks and canals at Amoskeag Falls, in the state of New-Hampshire." Chap. 167. 1813 ch. 176.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, all that part of the first section of an Act, entitled "An Act in addition to an Act, entitled An Act in addition to an Act, granting a lottery for the purpose of completing the locks and canals at Amoskeag Falls, in the state of New Hampshire," which relates to the price and also to the number of the tickets to be issued in each class of

Act in part repealed.

said lottery, be, and the same is hereby repealed. [March 2, 1815.]

Chap. 168.

An ACT to alter and change the Names of certain persons therein mentioned.

Names altered.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, William Andrews, son of Ebenezer T. Andrews, Esq. of Boston, in the county of Suffolk, shall be allowed to take the name of William Turell Andrews; that Theodore Baker of the same Boston, shall be allowed to take the name of George T. Baker; that James Drew, of Boston, aforesaid, mariner, shall be allowed to take the name of James Clement Drew; that Shirley Erving, eldest son of Dr. Shirley Erving, late of said Boston, deceased, shall be allowed to take the name of William Shirley Erving; that James Moncrieff, of Boston aforesaid, late an indentured apprentice to William H. H. Chealy, of the same Boston, trader, shall be allowed to take the name of James Chealy Moncrieff; that Jonathan Low, of Gloucester, in the county of Essex, shall be allowed to take the name of James Willis Low; that Stephen Marston, of Newburyport, in the county of Essex aforesaid, shall be allowed to take the name of Stephen Webster Marston; that John Ropes, jun. a minor, and son of John Ropes, Esq. of Salem, in the same county of Essex, shall be allowed to take the name of John Haradan Ropes; that John Adams, of Roxbury, in the county of Norfolk, son of Nathan Adams, of Medford, in the county of Middlesex, shall be allowed to take the name of Edward Holyoke Adams; that Howard Davis, of Westport, in the county of Bristol, shall be allowed to take the name of John Howard Davis; that Lot Bumpus, jun. of Wareham, in the county of Plymouth, shall be allowed to take the name of Lot Bumpus Sullivan; that Major Goodale Ware, of Northampton, in the county of Hampshire, shall be allowed to take the name of Goodale Sylvester Ware; that Elizabeth Hyde, of Sandisfield, in the county of Berkshire, daughter of Dr. Jabez Holden, of the same Sandisfield, and formerly the wife of Agur Hyde, of the same town, shall be allowed to take the name of Elizabeth Smith; that Edwards Morse, of Charlestown, in the county of Middlesex, gentleman, son of the Rev. Jedidiah Morse, D. D. of the same Charlestown, shall be allowed to take the name of Sydney Edwards Morse; that Mary Emerson Baker, of Newburyport, in the county of Essex, aforesaid, single woman, shall be allowed to take the name of Mary Jane Brown.

And the several persons before named, from the time of passing this Act, shall be called and known by the names, which by this Act they are respectively allowed to take and assume as aforesaid: and the said names shall forever hereafter be considered as their only proper and legal names to all intents and purposes. [March 2, 1815.]

Chap. 169.

An ACT to incorporate the Trustees of the Fund for the support of religious worship in the Episcopal Society of St. Andrews in Hanover.

Preamble.

WHEREAS the sum of twelve hundred dollars has been subscribed, for the purpose of establishing a fund, for the sup-

port of religious worship in the Episcopal Society of St. Andrews in Hanover: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the wardens and vestrymen of said society, for the time being, and their successors in office, be, and hereby are appointed trustees of the said fund, by the name of the Trustees of the Fund for the support of religious worship in the Episcopal Society of St. Andrews in Hanover; and they shall be a body politic and corporate by that name forever, shall have a common seal, may sue and be sued in their corporate capacity, and may prosecute and defend to final judgment and execution by their said corporate name. Trustees appointed.

SECT. 2. *Be it further enacted,* That the senior warden of said society shall call a meeting of said Trustees on the third Tuesday of April next, by giving personal notice to each of them, seven days at least before the time of such meeting. After which said first meeting, all subsequent meetings shall be held at such times and places, and called in such manner, as the said Trustees shall direct. May call a meeting.

SECT. 3. *Be it further enacted,* That the said Trustees, at their said first meeting, and ever after annually, shall elect a president, clerk, and treasurer by written ballot. The clerk shall be sworn by the president to the faithful discharge of the duties of his office, and the treasurer shall give bonds to the acceptance of the wardens of said society. Shall elect Officers.

SECT. 4. *Be it further enacted,* That said Trustees shall have the sole superintendence, management, and controul of the said fund, and of such other sums of money or other property as may hereafter be subscribed or appropriated towards the increase of said fund, under the following restrictions: first, that the principal of said fund shall at no time be expended, but shall be put to interest on good security, or invested in bank or other stock, as the said Trustees may judge proper and prudent: secondly, that the interest or net income of said fund shall be paid into the treasury of said society, for the support of religious worship therein, unless by vote of the said society the same shall have been converted into principal: thirdly, that the said Trustees shall, at all reasonable times, submit their books and papers to the inspection of the treasurer of said society, or of any committee appointed by said society to inspect the same, and shall render their account, and pay any balances of interest or net income of said fund in their hands, whenever thereunto requested by said society, unless the same had been previously converted into principal by vote of said society. Management of the fund.

SECT. 5. *Be it further enacted,* That the said Trustees may hold personal estate, to the value of ten thousand dollars, and real estate, to the value of ten thousand dollars, for the purposes aforesaid. May hold real and personal estate.

SECT. 6. *Be it further enacted,* That should any loss in said fund happen or accrue, in consequence of gross negligence or malfeasance of said Trustees, or of either of them, the said so- Negligence of Trustees.

ciety may have and support a special action on the case against said Trustees, or either of them, who may be thus negligent, or guilty, and recover against them or him, in any court proper to try the same, such sum in damages, as may be an indemnity for such loss.

May make
by-laws, &c.

SECT. 7. *Be it further enacted.* That the said Trustees, at any of their meetings, duly notified, may make any by-laws, rules, and regulations, not repugnant to the laws of this Commonwealth : *Provided,* the substance of such by-laws, rules, and regulations shall have been inserted in the warrant for calling such meeting. [March 2, 1815.]

Chap. 172.

An ACT to incorporate Ebenezer Francis and others, by the name of The Central Wharf and Wet Dock Corporation.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Francis, Uriah Cotting, Francis C. Lowell, and David Hinckley, with their associates, successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of The Central Wharf and Wet Dock Corporation; and the said corporation, by the said name, are hereby declared and made capable in law to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of their estate, consistent with the laws of this Commonwealth, and, generally, do and execute whatever by law shall appertain to bodies politic.

May hold and
possess wharf,
&c.

SECT. 2. *Be it further enacted.* That the said corporation shall be, and hereby is declared capable to have, hold, and possess all the wharf, lands, and flats, situated in the town of Boston, and bounded southerly by India-Wharf, westerly by the range of stores on India-street, so called, and northerly by the Long-Wharf; *provided* the lawful owners or proprietors thereof legally convey the same to the said corporation; and the said corporation shall have power and liberty to grant, sell, and alien in fee simple or otherwise their corporate property, or any part thereof, being situated within the aforesaid limits and boundaries, and to have, manage, and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting.

Property di-
vided into
shares.

SECT. 3. *Be it further enacted,* That all the said corporate property shall be divided into four hundred shares, and the said corporation may, at any legal meeting, agree upon the form of deeds to be given by said corporation to the original proprietors, of the number of shares by them respectively held; which deeds shall be under the seal of said corporation, shall be signed by the president thereof, and duly acknowledged and recorded in the registry of deeds, for the county of Suffolk. And said corporation shall have power, from time to time, upon each share to assess such sums of money as may be deemed necessary, for erecting and making wet docks, wharves and buildings, within the aforesaid limits, and generally for the improvement and good management of said estate, agreeably to the true intent of this act; and to sell and dispose of the shares

Power to as-
sess money.

of delinquent proprietors for the payment of such assessments, at such time and manner as the said corporation may determine; and in case of such sale, a deed or deeds duly executed and acknowledged by the president of the said corporation, or by any other person for that purpose, especially authorized by the said corporation, and recorded in the registry of deeds, for the county of Suffolk, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares, as if the same had been made and executed by such proprietor himself: *Provided however*, That no assessment shall be made at any meeting, unless agreed to by two thirds at least, both in number and value of those present and represented, nor unless notice shall have been given at least ten days previous to such meeting of the purpose of such meeting, by publishing the same in some one or more of the newspapers printed in Boston.

Proviso.

SECT. 4. *Be it further enacted*, That the shares of each proprietor, in said corporate property shall be considered in all respects real estate; shall be transferred and conveyed in the usual manner by deed duly acknowledged and recorded, and shall be subject and liable to attachment and execution, to dower and descent to heirs, and to all other incidents of real estate; *Provided however*, That in case of levying an execution on any of said shares, the same shall not be appraised and set off to the creditor on such execution, but such share or shares shall be sold by the officer having the execution, in like manner, in all respects, as is by law prescribed for the sale of rights in equity of redeeming real estates mortgaged; and the debtor shall have the liberty of redeeming the shares so sold, within one year after the conveyance thereof by the officer, by paying the sum that may have been given therefor at such sales, with the interest thereon, and also all assessments which may have been in the meantime paid by the purchaser, his heirs or assigns, with the interest thereon, deducting the dividends, rents, and profits, which the purchaser, his heirs or assigns may have received; and no part of the land, wharf, or estate of said corporation shall ever be divided, or set off by metes and bounds on any such execution against any individual proprietor, nor on any assignment of dower, nor on any partition or division among the heirs of any proprietor, nor on any suit or petition of any such proprietor.

Transfer of shares.

Proviso.

Shall not divide wharf.

SECT. 5. *Be it further enacted*, That the said Francis and Cotting, or either of them, may call a meeting of said corporation, by advertising the same in any of the public newspapers printed in Boston, at least ten days before the time of meeting; and, at that or any other legal meeting, the said corporation may agree on the mode of calling and warning future meetings, and may elect a president, trustees, clerk, or such other officers as they may judge fit for the orderly conducting their affairs, and the prudent management of their estate; and such officers, at their pleasure may change or remove; and at all their meetings the proprietors present may act according to their interest in said property, allowing one vote to each share, and absent proprietors may vote by proxy authorized in writing. [March 2, 1815.]

May call a meeting.

Chap. 177.
1813 ch. 82.
1814 ch. 160.

An ACT in addition to an act, entitled "An Act to incorporate William Bartlet and others into a company, by the name of The Merrimack Insurance Company."

Creditors may
prosecute com-
pany.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any creditor or creditors of the Newburyport Marine Insurance Company, or of the Merrimack Marine and Fire Insurance Company, may sustain and prosecute to final judgment, actions at law against the said companies respectively, any thing in the fifteenth section of the act, entitled "An act to incorporate William Bartlet and others into a Company, by the name of the Merrimack Insurance Company," to the contrary notwithstanding.

Duty of Com-
mittee.

SECT. 2. *Be it further enacted,* That it shall be the duty of any Committee appointed, or to be appointed by either of said companies, pursuant to the provisions of the said fifteenth section of the act aforesaid, to pay and satisfy any judgment, which may be recovered against the company appointing such committee, out of any property or effects belonging to the same, which may be in the hands of such committee, at the time of their receiving notice of the action in which such judgment may be rendered; and for this purpose to retain in their hands such property and effects, or so much thereof as may be necessary therefor, from and after the time of receiving such notice. [March 2, 1815.]

Chap. 179.

An ACT to authorize The proprietors of a Marsh, in Rowley, to repair and maintain a Dike.

Preamble.

WHEREAS Thomas Mighill and others, proprietors of a marsh and rough meadow, lying in Rowley, known by the name of The Cowbridge Marsh and Rough Meadow, did (agreeably to a law passed for that purpose) erect a dike, thereby excluding the sea from said marsh and meadow; and whereas it is found by experience, that said marsh and meadow require management so very different that the interest of said proprietors cannot be promoted by their longer continuing one entire body corporate: Therefore,

Persons
incorporated.

Powers and
privileges.

1789 ch. 16.
(V. 1. p. 254.)

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Enoch Tenny and others, proprietors of all that part of the aforesaid Cowbridge marsh, which is situated below the new dike, erected across the marsh of Daniel Todd, jun. and Caleb Todd, be, and they, with their heirs and assigns, are hereby incorporated for the purpose of repairing and maintaining the old dike forever; and for this purpose shall have all the powers and privileges (except that of assessing taxes upon the proprietors of the aforesaid rough meadow) and be subject to all the duties and requirements prescribed and contained in an act, entitled "An act to enable the proprietors of a marsh and rough meadow lying in the town of Rowley, to make and maintain a dike for the better improving said marsh and meadow," passed on the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and eighty-nine.

SECT. 2. *Be it further enacted,* That the proprietors of said

Cowbridge dike marsh may, at any legal meeting thereof, called for that purpose, abate so much of any individual proprietor's tax or taxes, or may altogether omit taxing any such proprietor or proprietors, who, in the opinion of said meeting are not, nor will be benefited by the repairing and maintaining the said dike: *Provided*, two thirds of all those interested therein present at any such meeting be in favour thereof, and not otherwise; the votes to be collected according to the interest of the said proprietors. [*March 2, 1815.*]

May abate taxes.

Proviso.

An ACT to extend the time for making the Woburn Turnpike Road, and Dracut Bridge. *Chap. 180.*
1809 ch. 119.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the further time of two years be, and hereby is granted to the corporation, for building the Dracut Bridge and Woburn Turnpike Road, the time limited in the act granting the said bridge and road having expired notwithstanding. [*March 2, 1815.*] Further act—1817 ch. 154.

Further time allowed.

An ACT to amend an act, entitled "An act for regulating the collection of Taxes in the town of Newburyport, and providing for the appointment of Constables in the said town." *Chap. 2.*
1811 ch. 40.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* from and after the passing of this act, no person shall be eligible to the office of Treasurer and Collector in the town of Newburyport, who, at the time of such election, shall have more than two years tax lists in his hands unsettled.

SECT. 2. *Be it further enacted, That* it shall be the duty of any Treasurer and Collector of said town, who may not be re-elected to said office, and he is hereby authorized and empowered to complete the collection of all taxes which may have been committed to him, and which may remain uncollected at the expiration of his term of office, unless the said town, by their vote, shall transfer such tax lists and duty to his successor in said office, as is provided in an act for regulating the collection of taxes in the town of Newburyport, and providing for the appointment of Constables in the said town. [*June 13, 1815.*]

Duty of Collector.

An ACT to establish the Oxford Cotton Manufacturing Company.

Chap. 3.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* Charles Cleveland, Jacob Rich, Joseph Stone, William P. Rider, Sylvanus Coburn, Jonathan Rice, Benjamin Eddy, Samuel Waters, 2d, Israel Stone, jun. Thaddeus Hall, Sylvester McIntyre, Elijah Waters, Jerah Stone, William Hall, and Elijah Rich, together with such others as may hereafter join and associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Oxford Cotton Manufacturing company, for the purpose of manufacturing cotton yarn and cloth, in the town of Oxford, in the county of Worcester; and, for that purpose, shall have all

Persons incorporated.

(1808 ch. 65.) the powers and privileges and be subject to all the duties and requirements contained in "An act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

May hold real and personal estate. SECT. 2. *Be it further enacted*, That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may be convenient and necessary for carrying on the manufacture aforesaid. [June 13, 1815.]

Chap. 5.

An ACT to set off Simon Walkley and John Moore from the second Parish, and annex them to the first Parish in West Springfield.

Persons set off. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simon Walkley and John Moore, with their families, polls and estates, be, and they are hereby set off from the second parish and annexed to the first parish in West Springfield: *Provided nevertheless*, That the said Walkley and Moore shall be holden to pay their proportionable parts of all taxes which are already assessed upon the polls or estates of the inhabitants of the said second parish, in like manner as though this act had not been made. [June 13, 1815.]

Proviso.

Chap. 6.

An ACT to authorize the Gloucester Marine Insurance Company to reduce its capital stock.

May reduce capital stock. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Gloucester Marine Insurance Company be, and they hereby are authorized to reduce the capital stock of the said Corporation to fifty thousand dollars, and that the division which has been made among the Stockholders therein of the capital stock, exceeding said sum, be, and hereby is authorized and confirmed: *Provided however*, That no contracts whatever, heretofore made by said Corporation, shall be in any manner affected or impaired by said reduction and division; *And provided also*, That said Corporation shall never take any sum upon any one risk, exceeding ten per centum on the amount of the capital so reduced. [June 13, 1815.]

Proviso.

Chap. 7.

An ACT authorizing a Lottery for the purpose of rebuilding Springfield Bridge.

Sum to be raised. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the sum of twenty thousand dollars be raised by Lottery, for the purpose of rebuilding the Bridge over Connecticut River, between Springfield, and West Springfield, and that the President, Directors and Company of said Bridge, be, and they hereby are authorized and empowered to appoint Managers of said Lottery, whose business it shall be, from time to time, to make and publish such scheme or schemes as shall, in their opinion, best promote the purposes of said Lottery, and to draw said lottery, and to transact all other business pertaining thereto.

May publish scheme.

SECT. 2. *Be it further enacted*, That the Managers appoint-

ed as aforesaid, before they enter on the duties of their said office, shall give separate bonds, with sufficient sureties, to the Proprietors of said Bridge, each one in his proportionable sum of twenty thousand dollars; and each one to be answerable for his own default, and be sworn for the faithful performance of said trust.

Managers shall give separate bonds to Proprietors.

SECT. 3. *Be it further enacted*, That the prizes which may be drawn in said Lottery shall be paid by the Managers in thirty days next after the drawing of each class of said Lottery shall be completed; those prizes not demanded within one year after the publication of the drawing said Lottery, shall not be recoverable; and the managers shall, from time to time, as the classes shall be drawn, pay to the Treasurer for the time being of said Proprietors, the net proceeds thereof, after deducting the compensation that the said Proprietors shall allow them for their services, which net proceeds shall be faithfully applied for the purpose of rebuilding said Bridge; and the Proprietors of said Bridge shall give bond with sufficient sureties, in such sum as his Excellency the Governor, with advice of Council, shall direct to this Commonwealth; conditioned, that the net proceeds of said Lottery shall be faithfully applied for the purpose of rebuilding said Bridge; and also that the said Bridge shall be erected and completed within the term of three years, from and after the passing of this act.

Prizes shall be paid in thirty days.

Proprietors shall give bond to the Commonwealth.

SECT. 4. *Be it further enacted*, That said Managers shall publish the scheme or schemes of said Lottery in one or more of the public newspapers printed in this Commonwealth, the time and place of drawing the same, and also lists of all prizes which may be drawn therein. They shall also, after the business of said Lottery is completed, lay an account of their doings therein, with the amount of tickets sold in each class, the expense and net proceeds thereof before the Governor and Council, for their examination and approbation; and they shall be severally holden by their said bonds until their said accounts shall be so examined and approved.

Shall publish scheme.

SECT. 5. *Be it further enacted*, That said Managers shall refund all monies by them severally received for tickets, provided any class in said Lottery shall not be drawn within six months next after the time appointed and advertised for that purpose.

Shall refund monies.

SECT. 6. *Be it further enacted*, That this act shall continue in force for the term of four years, from and after the passing of the same, and no longer. [June 13, 1815.] Add Act—1818 ch. 107.

How long to continue in force.

An ACT to incorporate certain persons by the name of the Western Cotton Manufactory.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jeduthan Fuller, Joseph Studly, George Hodges, John Clark, Rufus Fuller, Charles Keith, Elijah Copeland, and Luther Copeland, with such as already have or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Western Cotton Manufactory, for the purpose of manu-

Persons incorporated.

(1808 ch. 65.) facturing cotton goods within the town of Western; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of Manufacturing Corporations."

May hold real and personal estate. SECT. 2. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding twenty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for the carrying on the manufacturing of cotton goods. [June 14, 1815.]

Chap. 12.

An ACT to incorporate Trinity Church, in the town of Bridgewater.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Zadock Packard, Libeus Edson, John Edson, Benjamin Clark, Henry Munroe, Francis Perkins, Eleazer Carver, Nathaniel Carver, Benjamin Edson, Allen Edson, Theodore Edson, Ephraim Sprague, Daniel Hartwell, Asa Perkins, John W. Keen, Benjamin Edson, jun. Simeon Taylor, Pardon Packard, Jireh Swift, Jonathan Ames, John Gardner, James Alger, 3d, John S. Littlefield, John Curtis, Samuel Littlefield, Charles Littlefield, Seth Keith, Timothy Hayward, Holder Packard, Luther Thomas, Ruel Swift, and Shepard Keith of Bridgewater, in the county of Plymouth, with their families, polls, and estates, together with such others as have, or may hereafter associate with them, and their successors, be, and they hereby are incorporated and established as a Religious Society of the Protestant Episcopal Church, by the name of Trinity Church, in said town of Bridgewater, with all the powers, privileges, and immunities common to other parishes, or religious societies, and conformable to the constitution and laws of this Commonwealth.

Manner of becoming a member,

SECT. 2. *Be it further enacted*, That any person, who may desire to become a member of said Episcopal church or society, and shall enter his or her name with the Wardens and Vestry, or Clerk of said society, shall be deemed, taken, and entitled, and they, with their polls and estates, shall be liable in all lawful taxes and assessments, as members of said Episcopal society and parish; and the members of said Episcopal parish shall be, and they, with their polls and estates, hereby are exempted from all other taxes and assessments for the support of public worship, in the town or parish where they may respectively reside; *Provided*, That persons hereafter becoming members, shall give notice thereof in writing, to the Assessor or Clerk of the parish or town, where they reside; and until such notice, shall not be entitled to the exemption aforesaid; *And provided*, That persons withdrawing from the said Episcopal Society, who shall give notice thereof in writing to the Wardens and Vestry or Clerk for the time being, shall be no longer liable in any taxes or assessments afterwards

Proviso.

granted and voted therein; and they with their estates, shall again become liable and holden in all other taxes and duties, for the support of public worship, in the parish or town where they may respectively reside, and as other inhabitants who are not entitled to any special exemption.

SECT. 3. *Be it further enacted*, That the annual meeting of said Episcopal Society or Parish, shall be holden on Easter Monday, in every year, at Trinity Church, in Bridgewater, and at such annual meeting, or at an adjournment thereof, the members of said Parish shall choose by ballot their Wardens, Vestry, Clerk and Treasurer, and any other officer or officers, for the management of the affairs of said Corporation, and levy taxes and assessments, for the support of said Parish; and pass all such by-laws and rules as shall be deemed necessary for the well governing the said Parish, not incompatible with the laws and constitution of this Commonwealth.

Time of holding meeting.

By-laws.

SECT. 4. *Be it further enacted*, That the Wardens and Vestry of said Trinity Church, Society, or Parish for the time being, shall be, and are hereby made capable to take and hold, by gift, grant or purchase, any real or personal estate, and to manage and improve the same; and for that purpose shall have a common seal, to be established, altered, and renewed, at their pleasure; *Provided*, That the annual income of the real estate holden by them, shall not exceed the sum of five thousand dollars.

May hold real and personal estate.

Proviso.

SECT. 5. *Be it further enacted*, That the Wardens and Vestry of said Church shall be empowered to receive and apply the income of a certain lot of land, situated in Bridgewater, which was given by the late Samuel Edson, for the support of an Orthodox Clergyman of the Protestant Episcopal Church, and which estate is now vested in the Board of Trustees of Donations to the Protestant Episcopal Church: *Provided, however*, that the Corporation hereby established shall improve and occupy the said estate conformably to the will of the donor, and reserving to the said Board of Trustees of donations any right or rights, which they have to the management of said estate, either by law or contract.

Wardens, &c., to receive and apply income of land.

Proviso.

SECT. 6. *Be it further enacted*, That all gifts, grants, donations or legacies of money, or other personal estate, which are or shall hereafter be made to said Corporation, to or for the benefit of said Church, Society or Parish, shall be funded, unless otherwise directed by the donor or donors, and the annual interest or income thereof, shall be applied to the support of an Orthodox Clergyman of the Episcopal Church, who shall be approved by the Bishop of this Diocese; or, if the Episcopate be vacant, by the standing committee of the Protestant Episcopal Church in this Diocese.

Support of an Orthodox Clergyman.

SECT. 7. *Be it further enacted*, That the officers of said Society, Parish or Corporation, shall not be entitled to, or receive any compensation, (the Clergyman excepted) for any services, out of any monies arising from the funds of the said Corporation.

Officers shall not receive compensation.

SECT. 8. *Be it further enacted*, That the said Corporation or

May sue or be
sued.

Parish shall be liable to sue or be sued, plead or be impleaded before the Supreme Judicial Court, at the suit of proper parties, and complaints by bill in equity, and according to the course of proceedings in Courts of Law, having jurisdiction in matters of trust and donations for pious and charitable purposes; and the Justices of the said Court shall have authority thereupon to enforce the faithful performances, specially or otherwise, as the case may require, of all trusts and appropriations limited and appointed upon any donation of lands, money, and other estate, real and personal, which shall be lawfully vested in the said Corporation or Parish; and to inquire into the disposition and management thereof; and by injunction, sequestration or otherwise to be granted and awarded by the said Court, such remedies and relief in the premises shall be afforded as to law and justice shall appertain; and Allen Edson is hereby authorized to fix the time and place for the first meeting of the said Corporation and Parish, of which he shall give due notice to each member thereof. [June 14, 1815.]

Chap. 14.

An Act to incorporate the Pastor, Deacons, and Elders of The First Presbyterian Church, in Newburyport.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Pastor, Deacons, and Elders of the First Presbyterian Church, in Newburyport, and their successors in office, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Pastor, Deacons, and Elders of the First Presbyterian Church, in Newburyport.

May use seal.

SECT. 2. *Be it further enacted,* That said Pastor, Deacons, and Elders may have and use a common seal, and the same may break, alter, and renew at pleasure; shall be capable of suing or being sued, in any actions, real, personal, and mixed, in any court proper to try the same; shall and may take and hold in fee simple, or otherwise, by gift, grant, or devise, any estate, real or personal, the aggregate annual income of which shall not exceed two thousand dollars, and may sell and dispose thereof at pleasure. [June 14, 1815.]

Chap. 16.

An Act incorporating John Sylvester John Gardiner, and others, into a Society, for religious purposes.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Sylvester John Gardiner, David Cobb, Asa Eaton, Samuel Dunn, Thomas L. Winthrop, Joseph Head, Joseph Foster, Charles Williams, James C. Merrill, John Dixwell, Lynde Walter, Charles W. Green, and Shubael Bell, their associates and successors, be, and they hereby are incorporated and made a body politic, by the name of The Massachusetts Episcopal Missionary Society, and Trustees of the Massachusetts Episcopal Prayer Book and Tract Society; and by that name shall be known in law, and shall be capable of suing and being sued, of having, and altering at pleasure, a common seal, of making by-laws for the choice and election of members and

officers, and regulating the affairs and disposing of the funds of said society, and the property, real and personal, of said society, to pious, charitable and religious uses, and the same by-laws to alter and amend at pleasure; *Provided* said by-laws are not repugnant to the constitution and laws of this Commonwealth.

Proviso.

SECT. 2. *Be it further enacted*, That said corporation shall have power, and shall be capable in law, to purchase, take, hold and receive by grant, devise, bequest or otherwise, any personal or real estate, that has been, or shall be given, granted or conveyed to said society, corporation or trustees, for the purpose of supporting Missionary Preachers or ministers or teachers of the Protestant Episcopal Churches in America, or for the purpose of distributing bibles, common prayer books, and other religious tracts among the people of this country; *Provided however*, That the clear yearly income of all such real and personal estate, possessed and held, or to be possessed and held by said corporation, shall never exceed the sum of ten thousand dollars; *and provided also*, that said income shall always be applied by said corporation to the pious, charitable and religious uses aforesaid.

May hold real and personal estate.

Proviso.

SECT. 3. *Be it further enacted*, That the Reverend John Sylvester John Gardiner, named in this Act, be, and he hereby is authorized to call the first meeting of said corporation, by giving notice of the time and place thereof, in the Columbian Centinel, printed in Boston, seven days before the time of such meeting. [June 14, 1815.]

May call first meeting.

An ACT to establish The Petersham Cotton Factory.

Chap. 17.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Asahel Stowell, Levi Houghton, Joseph Gallond, Israel Houghton of Petersham, Nathaniel Loring of Barre, and Samuel B. Bent, of Rutland, all in the county of Worcester, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Petersham Cotton Factory, for the purpose of manufacturing cotton yarn and cloth in the town of Petersham, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1809 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifteen thousand dollars, and such personal estate, not exceeding the value of twenty thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid. [June 15, 1815.]

May hold real and personal estate.

An ACT to incorporate The Middleborough Manufacturing Company.

Chap. 19.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Persons incor-
porated.

same, That Benjamin Shepherd, jun. Thomas Weston, Horatio G. Wood, Nancy Nelson, Sarah W. Shepard, and Alanson Witherbee, with their associates, and such others, as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name and style of The Middleborough Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in the town of Middleborough; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in Act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, (1803 ch. 65.) “An Act defining the general powers and duties of Manufacturing Corporations.”

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That said corporation may lawfully hold and possess such real estate as they are now, or may hereafter be seized of, not exceeding fifty thousand dollars, and personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton yarn and cloth as aforesaid. [June 15, 1815.]

Chap. 20.
1798 ch. 85.
(V. 2. p. 295.)
1800 ch. 30.
34, 48.
(V. 2. p. 404.
405, 414.)
1802 ch. 66.
(V. 3. p. 77.)
1803 ch. 23.
(V. 3. p. 217.)
1810 ch. 39.

An ACT in addition to an Act, entitled, “An Act establishing a corporation, by the name of The Fifth Massachusetts Turnpike Corporation.”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Fifth Massachusetts Turnpike Corporation be, and they are hereby authorized to alter the road in the town of Athol, so as to leave the present Turnpike road a little south of the Cotton Factory; then westerly by Simeon Fisher, across Miller’s river, below its confluence with Tully river; then up said Tully river, till it reunites with the Northfield branch.

May make al-
terations.

SECT. 2. *Be it further enacted*, That said corporation are hereby authorized to make any such alterations upon either the Northfield or Greenfield branches of said road, as shall facilitate the travel by going round instead of over hills, without much increase or length of way.

May discon-
tinue a part of
present road.

SECT. 3. *Be it further enacted*, That whenever any of the aforesaid alterations upon either of the branches of said road shall be made, and the new part thereof completed and accepted, by a committee to be appointed by the Circuit Court of Common Pleas, in the county in which the alteration shall be made, said corporation are hereby authorized to discontinue such parts of the present road, as such alteration shall render unnecessary as a Turnpike road. [June 15, 1815.]

Chap. 22.

An ACT to incorporate The Lee Woollen and Cotton Factory.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Porter, Willard Barnham, Isaac Ball, Richard Hawk, Joseph Ball and Lemuel Bassett, with such others as already have or hereafter may associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Lee Woollen and Cotton Factory for the purpose of manufacturing woollen and cotton cloth and yarn,

in the town of Lee; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of eighty thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid. [June 15, 1815.]

May hold real and personal estate.

An ACT in addition to the several acts for establishing the Housatonic river, and the Hudson Turnpike Corporations, and for repealing a part of the same.

Chap. 24.
(1805 ch. 58.)
(1807 ch. 94.)
(1808 ch. 49.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Housatonic Turnpike Corporation shall be, and hereby are, empowered to demand and receive, full toll, at their half turnpike gate in Lee, under the regulations and provisions which are made in the act or acts, to which this is in addition. [June 15, 1815.] Further acts—1816 ch. 34: 1820 ch. 5.

Shall receive full toll.

An ACT to incorporate the New Cornhill Corporation, in the town of Boston.

Chap. 25.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Bellows, Uriah Cotting, Ebenezer Francis, Nathan Appleton, David Greenough, and Benjamin P. Homer, with their associates, successors, and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the New Cornhill Corporation, in the town of Boston, for, and during the term of ten years from the passing of this act, and no longer: And the said Corporation, by the said name, are hereby declared and made capable in law to sue, and be sued, to implead, and be impleaded, to have a common seal, to alter and renew the same at pleasure, to make rules and by laws for the regulation and management of their estate and concerns, consistent with the constitution and the laws of this Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said Corporation shall be, and is hereby declared capable to purchase, have, hold and possess, in fee simple, all the estate, stores, houses, buildings, and lots of land, lying and being between Court-street, Hanover-street, Fanuel Hall Market, and Cornhill, in the town of Boston; *Provided*, The lawful owners or proprietors thereof, legally convey the same to the said Corporation; and the said Corporation shall have power to lay out, and improve the same, as they may think proper, and to grant, sell, and alien, in fee simple, or otherwise, their corporate property or any part thereof, situated within the limits aforesaid, and to have, manage, and improve the same, according to the will and pleasure of said Corporation.

May hold real and personal estate.

Proviso.

SECT. 3. *Be it further enacted*, That any two of the persons

May call first meeting.

Number and amount of shares.

named in the first section of this act, may call the first meeting of the members of said Corporation, by giving ten days previous notice thereof, in some public newspaper, printed in Boston; and at any meeting, the said Corporation may agree upon the number of shares, not exceeding four hundred, into which the stock and property of said Corporation shall be divided, and upon the form of the certificates to be given to individuals, of the number of shares by them respectively held, and upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate; they shall also have power to assess upon each share such sums of money from time to time, as may be necessary for making streets, erecting buildings, purchasing lands, and real estate, within the said limits, and generally for the improvement and good management of said estate, agreeably to the true intent and meaning of this act; and to sell and dispose of the same shares for default in the payment of any assessment, in any way and manner they may determine; and shall also have power to regulate the number of officers of said Corporation, and manner of choosing and removing the same, and to define their powers and duties; and at all meetings, each person shall have a number of votes equal to his number of shares.

Shares liable to be attached.

(1804 ch. 83.)

SECT. 4. *Be it further enacted*, That the share or shares of every individual of said Corporation, shall be liable to be attached on mesne process, and taken and sold on execution, in the same way and manner as directed by an act, entitled "An act directing the mode of attaching on mesne process, and selling by execution, shares of debtors, in incorporated companies;" and the Clerk, or other officer of said Corporation, having custody of the books of said Corporation, shall upon request, inform any officer, having any process of attachment or execution against any individual of said Corporation, of the number of shares which such individual may have therein.

Real estate to be vested in members.

SECT. 5. *Be it further enacted*, That, at the expiration of said term of ten years, all real estate then belonging to said Corporation, shall be, and the same is hereby vested in such persons as may then be members thereof, and their respective heirs and assigns, as tenants in common, in proportion, and according to the number of shares they may then hold. [June 15, 1815.]

Chap. 27.

An ACT to set off a tract of land from the town of Freetown, and annex the same to the town of Fairhaven.

Quantity of land set off.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain piece of land on the southeasterly corner of the town of Freetown, in the county of Bristol, a part of which is owned by Seth Spooner, and the residue by Paul Spooner, being that part of the real estate of the late Honorable Walter Spooner, Esq. deceased, which lies in the town of Freetown, be and the same hereby is set off from the said town, and annexed to the town of Fairhaven, and made a part of said town of Fairhaven. [June 15, 1815.]

Annexed to town of Fairhaven.

An ACT to incorporate the Ludlow Glass Manufacturing Company.

Chap. 30.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Sikes, together with such other persons as already have or may hereafter associate with him, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Ludlow Manufacturing Company, for the purpose of manufacturing glass bottles, and all other kinds of glass ware, in the town of Ludlow; and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said Corporation may lawfully hold and possess such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of forty thousand dollars, as may be convenient for establishing and carrying on the manufacture of glass aforesaid. [June 15, 1815.]

May hold real and personal estate.

An ACT to incorporate sundry persons by the name of the Patent Pin Manufactory.

Chap. 31.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elisha Penniman, Jeremiah Fitch, Moses L. Morse, and Thomas Darling, with such other persons as already have or hereafter may associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Patent Pin Manufactory, for the purpose of manufacturing pins with solid heads from the wire at one operation, with the business necessarily connected therewith; and for such purposes, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, entitled "An act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty thousand dollars, for the use of said Corporation, and such personal estate, not exceeding fifty thousand dollars, as may be necessary for the purpose aforesaid.

May hold real and personal estate.

SECT. 3. *Be it further enacted,* That Elisha Penniman, Jeremiah Fitch, Moses L. Morse and Thomas Darling, or either two of them, are hereby authorised to call the first meeting of said Corporation, by publishing the time and place of holding such meeting in one or more of the newspapers printed in the town of Boston. [June 15, 1815.]

May call first meeting.

An ACT to set off Joseph Chaplin, from the parish of Linebrook, and annex him to the first parish in Rowley.

Chap. 32.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Chaplin, with his family and estate, lying in the town of Rowley, be, and they hereby are set off from the parish of

Persons set off.

Linebrook, and annexed to the first parish in Rowley ; there to do duties and enjoy the privileges of parishioners.

Agreement to
be carried into
full effect.

SECT. 2. *Be it further enacted*, That the said Joseph Chaplin shall be holden to carry into full effect the agreement between him and the said parish of Linebrook, (as entered on the parish records) relative to this act. [June 15, 1815.]

Chap. 33.

An ACT to alter and change the Names of certain persons therein mentioned.

Names altered.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, George Lewis Cushing, a minor, and son of the late George Augustus Cushing, of Boston, in the county of Suffolk, shall be allowed to take the name of George Augustus Cushing ; that Elisha Goddard, of the same Boston, merchant, shall be allowed to take the name of Francis Edward Goddard ; that Pliny Colburn, of South Reading, in the county of Middlesex, shall be allowed to take the name of Augustus George Pliny Colburn ; that Henry Thacher, of Biddeford, in the county of York, son of the Honorable George Thacher, of the same Biddeford, shall be allowed to take the name of Henry Savage Thacher ; that Asa Peabody, of Boston aforesaid, Esquire, shall be allowed to take the name of Augustus Peabody :—And the several persons before named, from the time of the passing of this act, shall be called and known by the names, which, by this act, they are respectively allowed to take and assume as aforesaid ; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [June 15, 1815.]

Chap. 42.
1794 ch. 49.
(V. 2. p. 18.)

An ACT to repeal an Act, entitled, “ An Act setting off Samuel Sparhawk of Cambridge, in the county of Middlesex, from the South Parish in Cambridge, and annexing him and his estate to the first parish in said town.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act passed the twenty-seventh day of February, one thousand seven hundred and ninety-five, entitled, “ An Act setting off Samuel Sparhawk of Cambridge, in the county of Middlesex, from the South parish in Cambridge, and annexing him and his estate to the first parish in said town,” be, and the same is hereby repealed ; and the said estate lately in possession of the said Samuel Sparhawk, deceased, be, and hereby is re-annexed to the said town, and parish in Brighton. [Jan. 27, 1816.]

Chap. 43.

An ACT for the regulation of the Fishery, in the town of Malden.

Penalty for
taking fish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person or persons shall take or catch any Shad or Alewives in any river, stream or pond, within the limits of the town of Malden, in the county of Middlesex, excepting as hereinafter by this act is provided, each person so offending shall forfeit and pay a sum, not exceeding twenty dollars, nor less than ten dollars for each offence, to be recovered in an action of debt, before any court proper to try the same, in the county of Middlesex, one half thereof to the use of him or them who

shall sue for the same, and the other half to the use of the said town of Malden.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, it shall be lawful for any and all the inhabitants of the said town of Malden, to catch Shad and Alewives within the limits of the said town, on every Monday, Wednesday and Friday, from sunrising on each of the said days, to sunrising on the next succeeding day in each week, from the first day of March, to the tenth day of June, annually, at such place or places only as shall have been previously determined by the said town. [*Jan. 27, 1816.*]

Time of taking fish.

An ACT to incorporate The Douglas Cotton Manufacturing Company.

Chap. 47.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ezekiel Preston, Richard Olney, Welcome Whipple, and others doing business under the name and firm of the Douglas Cotton Manufacturing Company, and such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Douglas Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in the town of Douglas, in the county of Worcester, and for the purposes aforesaid shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." (1809 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [*Feb. 1, 1816.*]

May hold real and personal estate.

An ACT for the regulation of the Fishery in Woburn.

Chap. 54.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, entitled, "An Act to prevent the destruction of the fish called shad and alewives, in Mystick river, so called, within the towns of Cambridge, Charlestown and Medford, and for repealing all laws heretofore made for that purpose." shall extend to the town of Woburn, in the county of Middlesex, and to all the streams running from any of the ponds, or other waters there into Mystick pond, or Spy pond, so called, in the same manner to all intents and purposes, that it would have extended, in case the said town of Woburn and the streams aforesaid had been mentioned and contained in the said act; and that it shall be lawful for any or all the inhabitants of the said town of Woburn to take shad and alewives within the limits of that town, on all such days and times as in and by

1738 ch. 68.
(V. 1. p. 238.)

Extension of fish act.

the act aforesaid, are allowed for the inhabitants for the towns of Charlestown and Medford, respectively, to take said fish, and on no other.

SECT. 2. *Be it further enacted*, That the owner or occupant of any dam already built, or which may hereafter be built, in or upon any of the streams aforesaid, shall make and maintain a convenient passage way for shad and alewives to pass by, through, or over such dam, and keep the same constantly open and free for said fish to pass up and down therein, from the fifteenth day of April to the fifteenth day of July, annually : and if the owner or occupant of any such dam shall refuse or neglect to make and build such passage way, when thereto requested by a majority of the Committee for the preservation of fish in either of the said towns of Charlestown, Medford or Woburn, or shall neglect or refuse to open the same on the said fifteenth day of April annually, or after the same shall have been so opened, shall shut, or obstruct, or permit or suffer the same to be shut or obstructed within the term aforesaid, he shall forfeit and pay for each and every such neglect or offence the sum of twenty dollars.

Passage for fish
kept open.

Penalty.

Choice of
Committees.

SECT. 3. *Be it further enacted*, That from and after the passing of this act, the several Committees for the preservation of fish, to be annually chosen in the said towns of Woburn, Charlestown and Medford, respectively, shall be chosen by ballot, and shall consist of three freeholders, who shall not be interested in any such dam as aforesaid ; and any person who shall be duly chosen a member of either of said Committees, and shall refuse or neglect to qualify himself, by taking the oath required by law, within seven days next after he shall have been duly notified of such choice, shall forfeit and pay the sum of twenty dollars to the use of the town in which he shall have been so chosen, to be recovered by the Treasurer thereof, in an action of debt, before any Court proper to try the same, in the county of Middlesex ; and the said town shall proceed to a new choice ; and so, *toties quoties* : And it shall be the duty of each and every member of any such Committee to see that the passage ways aforesaid are made convenient for said fish to pass up and down therein, and that they are kept constantly open at and during all the time required by this Act ; and to open and clear the same, if any of them shall be found shut or obstructed within the said term ; and if the owner or occupant of any such dam, situate as aforesaid, shall neglect or refuse to make and build such passage way, when thereto requested by a majority of either of the said Committees, it shall be lawful for the Committee, making such request, and they are hereby directed to make and build the same ; and when it shall be completed by said Committee, the said owner or occupant shall pay to said Committee double the amount of all the expenses incurred or sustained by the said Committee in making and building the same, on demand : And the said Committee shall have a right to sue for and recover the same of such owner or occupant in an action of the case, in any Court proper to try the same, in said county of Middlesex ; and each

Powers of
Committee.

member of either of the Committees aforesaid shall have full power and authority to do any act in either of the said towns of Charlestown, Medford and Woburn, which, before the passing of this Act, might have been lawfully done by a majority of either of said Committees, in the town where such Committee was chosen; and shall be entitled to and enjoy all the privileges, and protection, when acting as such in either of said towns, which, before the passing of this Act, a majority of either of the said Committees were entitled to and enjoyed, when acting within the limits of the town in which they were chosen.

SECT. 4. *Be it further enacted*, That it shall be lawful for the inhabitants of the said town of Woburn, at their annual meeting in March or April, to sell, or otherwise dispose of the privilege of taking shad and alewives in the streams aforesaid, so far as the same run wholly within the limits of that town, at such times only as are or may be allowed by law for said inhabitants to fish, and to fix on and determine the place or places where said fish shall be so taken, and appropriate the emoluments arising therefrom to such purpose as the said town shall determine.

Sale of privileges.

SECT. 5. *Be it further enacted*, That if any purchaser or manager of the said fishery in said Woburn shall take or catch any of the said fish at any other place than the place or places which shall have been fixed on and determined by the said town as aforesaid, and if any person other than such purchaser or manager, and those in the employ of such purchaser or manager, when said privilege shall have been disposed of by said town as aforesaid, shall take or catch, or attempt to catch any of the said fish within the said town of Woburn, each and every person, so offending, shall forfeit and pay the sum of twenty dollars to the use of said town; to be recovered by the Treasurer thereof, in an action of debt, in any Court proper to try the same, in the county of Middlesex.

Penalty or abuses.

SECT. 6. *Be it further enacted*, That all forfeitures, which may be incurred for any breach of this Act, not herein otherwise appropriated, shall be recovered in an action of debt, in the name of any one or more members of either of the Committees aforesaid before any Court in the county of Middlesex proper to try the same, to the use of the town where the Plaintiff or Plaintiffs in such action shall live, at the commencement thereof; and on the trial of any such action, any member of either of the said Committees shall be a competent witness, notwithstanding said action may have been commenced and prosecuted in the name of such member. And each of the towns aforesaid shall be holden to pay the members of their said Committee for all their services and expenses incurred by them respectively, in executing the duties required of them by this Act. [Feb. 2, 1816.]

Dispositions of forfeitures.

An Act to incorporate the First Baptist Society in Hardwick.

Chap. 55.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the*

Persons incor-
porated.

same, That John Raymond, Elisha Sturtevant, Seth Willis, Enos Newland, Massa Newland, Benjamin Rider, Timothy Hathaway, John Croff, Lemuel Wheeler, David Elwell, Judah Simonds, Judah Marsh, Gamaliel Collins, Asa Sturtevant, John Wetherell, Jeremiah Newland, Daniel Barrows, Aquilla Collins, Jonah Collins, Cary Howard, Jeremiah Campbell, Jeremiah Campbell, jun. Lemuel Gilbert, Aaron Marsh, Zenas Marsh, Cary Howard, jun. and Isaac Barlow, members of the First Baptist Society, with their polls and estates, be, and they are hereby incorporated as a Religious Society, for religious purposes only, by the name of the First Baptist Society in Hardwick, with all the powers and privileges usually exercised and enjoyed by other Religious Societies, according to the Constitution and Laws of this Commonwealth.

Membership.

SECT. 2. *Be it further enacted*, That any inhabitant, living in either of the towns of Hardwick, in the county of Worcester, and Greenwich and Ware in the county of Hampshire, who may hereafter desire to become a member of the said First Baptist Society in Hardwick, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the clerk of the said Baptist Society, fifteen days before the annual meeting of the said Society; and shall also deliver a copy of the same to the town clerk, or to the clerk of any other religious Society with which such person has been before connected, fifteen days before the annual meeting thereof. And if such person doth receive, and can produce a certificate of admission, certifying that he or she has united with and become a member thereof, such person, from the date of said certificate, with his or her polls and estate, shall be considered members of the said First Baptist Society, and shall be exempted from taxation towards the support of any other Religious Society in the town or parish where such person may dwell.

Condition of
secession.

SECT. 3. *Be it further enacted*, That when any member of the said First Baptist Society in Hardwick may see cause to secede therefrom, and to unite with any other Religious Society in the town where such person may dwell, the same forms and process, of a written declaration and certificates shall be made required and given, *mutatis mutandis*, as is prescribed and required in the second section of this Act; *Provided always*, that in every case of secession from one society and joining to another, the person so seceding, shall be holden in law to pay his or her proportion or assessment of all parochial or society debts and expenses, which have been voted and assessed, and not paid prior to such secession.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, upon application therefor, be, and he is hereby empowered to issue a warrant, directed to a freehold inhabitant, and member of the said First Baptist Society in Hardwick, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said Society by the election and appointment of its officers. [Feb. 3, 1816.]

An ACT to regulate the Shad and Alewife Fishery in the town of Watertown.

Chap. 56.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall be lawful for the inhabitants of the town of Watertown, by their agents to sell the right, and regulate the times, places and manner of taking the fish called shad and alewives, within the limits of said town; subject in all respects to an act passed on the twenty-eighth day of February, one thousand eight hundred and fourteen, entitled "An Act to prevent the destruction of the fish called shad and alewives in Charles river." And it shall be the duty of the Selectmen of said town, as soon as may be after the passing of this act, and forever after, in the month of January in each year, to appoint, and they are hereby empowered to appoint, two persons as Agents, whose duty it shall be to carry into execution the purposes of this act; *provided however*, that neither of the Agents, at the time of their appointment, shall belong to the board of Selectmen.

Liberty to sell Rights.

(1813 ch. 183.)

SECT. 2. *Be it further enacted,* That the Agents appointed as aforesaid, shall for and in behalf of the inhabitants of said town, and to their use and benefit, as soon as may be, after the first appointment, and forever after, in the month of February in each year, sell the right at public vendue, and regulate the time, places and manner of taking the fish called shad and alewives, within the limits of said town, after giving seven days notice of the time and place of such sale; and the proceeds arising from such sale, said Agents shall be held to pay over to the Treasurer of the town aforesaid.

Time of Sale.

SECT. 3. *Be it further enacted,* That the said Agents shall make and establish such rules and regulations as they may think necessary, to promote the interest of the town, and after determining by whom said fish may be taken, they shall cause an attested copy of such rules and regulations, and the name of the person or persons hiring the right to take the fish aforesaid, to be posted up in some public place in said town; and if any person or persons, other than he or they, to whom said right is sold, or persons employed by him or them, shall take any of the fish called shad and alewives, within the limits of said town, or if any person or persons to whom said right is sold, or those employed by him or them, shall take any of said fish, contrary to the rules and regulations made and established by said Agents, which rules and regulations shall be made public at the time and place of sale, every person so offending, shall severally forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, for each and every offence, to be recovered in an action on the case to the use of any person who may sue for the same, or the Agents may sue in the name of the inhabitants of the town.

Rules and Regulations.

SECT. 4. *Be it further enacted,* That it shall be the duty of the town Clerk to attend said Agents, at the time of sale, and to make a fair record of all such rules and regulations, as they shall from time to time make and establish, and the conditions of such sale, with the name of such person or persons as may

Record of Proceedings.

hire the right aforesaid, in a book to be by him kept for that purpose, and to post all such rules and regulations as the Agents may direct.

1797 ch. 75.
(V. 2. p. 224.)
Former Law
repealed.

SECT. 5. *Be it further enacted*, That an act passed on the second day of March, one thousand seven hundred and ninety-eight, entitled "An Act authorizing the inhabitants of Watertown, Weston and Waltham, in the county of Middlesex, to regulate the taking of the fish called shad and alewives, within the limits of said towns," be, and the same is hereby repealed; *provided nevertheless*, that all questions of the constitutional validity, and all actions now pending, and causes of action, that have or may arise under the before described act, shall remain and be the same in any court, as they might or would have been, had not said act been repealed. And whereas the Selectmen of Watertown, Weston and Waltham, have in behalf of their respective towns prayed this honorable court that the inhabitants of said Weston and Waltham may be discharged by law from any further cost or charge towards the support of the bridge over Charles river in said Watertown;—therefore

Weston and
Waltham dis-
charged.

SECT. 6. *Be it further enacted*, That from and after the passing of this act, the inhabitants of said Weston and Waltham be, and they are hereby wholly discharged from any further cost or charge towards the support of the bridge aforesaid, any act or agreement to the contrary notwithstanding. [Feb. 3, 1816.]

Chap. 57.

An Act to establish a Ministerial Fund in the town of Medfield.

Trustees incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Deacons of the church, and the Assessors of the first parish in Medfield for the time being, in the said parish, be, and they are hereby incorporated as Trustees, by the name of The Trustees of the Medfield Ministerial Fund; and by that name, they and their successors in office, shall be, and continue a body corporate forever; and they shall have a common seal, subject to alteration. and they may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Medfield Ministerial Fund, and shall have all other powers which are incident and necessarily belonging to like corporations. And the said Trustees may annually elect one of their number as a President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the monies, belonging to the said fund, according to the provisions of this act, who shall give bond to the said Trustees, for the faithful performance of his duty, and shall at all times be responsible for the faithful application of the monies, which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office. And the said parish shall be called and known by the name of the Congregational parish in the town of Medfield, and shall have, exercise, and enjoy, all the rights, powers and pri-

privileges which by law are incident to parishes in this Commonwealth.

SECT. 2. *Be it further enacted*, That the said Trustees be, and they are hereby empowered to sell and convey, or lease for a term of years, as the several grants, by which said lands are held, may require, the several lots of land which are, or may hereafter be appropriated to the support of a Gospel minister of the Congregational persuasion in said town; and the monies, arising from the sale or lease of said land, shall be put on interest, and shall form a fund, the annual income of which shall be appropriated towards the support of the ministry, in the said Congregational parish, and shall be under the care and management of said Trustees, in the manner provided for and directed in this act. And all gifts, grants, donations, bequests or legacies, which have been, or may hereafter be made to, and for the same use and purpose, shall be added to the said fund, and shall be under the same care and improvement of the Trustees aforesaid; and when the said Trustees do loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned or secured, or by two or more sufficient sureties with the principal, unless the said Trustees shall think it best to invest the said proceeds and fund in public securities or bank stock, which they shall have power to do, in their discretion, and the interest, and that only, shall ever be appropriated for the use aforesaid; and it shall never be in the power of the said Trustees, or the said parish, to alienate or alter the appropriation of the said ministerial fund. And the said Trustees, or a majority of them, are hereby empowered to make and execute a good and sufficient deed or deeds, or lease or leases, of the said several lots of land, which shall be subscribed by the Treasurer, and when duly executed, acknowledged and delivered, by direction of the said Trustees, or a major part of them, shall be valid and effectual in law, to pass and convey the fee or term of years, as the case may be, to the purchasers.

May sell and convey lands.

May loan money or invest it in Banks.

SECT. 3. *Be it further enacted*, That the said trustees, Treasurer, clerk, or other officers, or persons employed by them, shall be entitled to receive no compensation for the services they may perform out of any monies belonging to the said fund; but, a reasonable compensation may be paid them by the said parish. And the said trustees, and each of them, shall be responsible to the parish for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the said fund, and the debt or damage recovered in such suit shall be added to the said fund, and the said Trustees and Treasurer and their successors in office, shall exhibit to the said parish a report of their doings yearly and every year, in the month of March or April.

Officer accountable.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Norfolk, upon application therefor, is hereby empowered to issue his warrant, directed to one of the Trustees aforesaid, requiring him to notify and call a meeting of

Justice to issue warrant.

the said trustees, to be holden at such convenient time and place, as may be appointed in said warrant, to organize the said corporation by the appointment of its officers. [Feb. 3, 1816.]

Chap. 62.

An ACT to set off certain lands from the town of Orange, and to annex the same to the town of Athol in the county of Worcester.

Separation.

Annexation.

Bounds.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a tract of land, containing about seventy acres, belonging to George Oliver, Luther Smith, Jonathan Harwood, and Jonathan Wheeler shall be separated from the town of Orange in the county of Franklin, and the same is hereby annexed to the town of Athol in the county of Worcester, contained within the following boundaries, viz. beginning at a stake and stones on the present line between the said towns, a few rods westerly from the dwelling house of said Jonathan Harwood, in said Athol, thence running northerly to the northwest corner of said George Oliver's land, thence easterly on the northerly line of said Oliver's land to Tully river, thence down said river to a stake and stones at a corner of said town of Orange, thence westerly on the present dividing line between said towns to the first mentioned boundary: Provided nevertheless, That the said George Oliver, Luther Smith, Jonathan Harwood, and Jonathan Wheeler shall be held to pay all taxes already legally assessed on them by the said town of Orange. [Feb. 7, 1816.]

Chap. 66.

An ACT to establish the Dudley Cotton Manufacturing Company.

Persons incorporated.

(1808 ch. 65.)

May hold real and personal estate.

SECT. 1. BE it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Nichols, Theodore Dwight, Stephen Bracket, Nathaniel Crosby, William Kimball, and David Carroll, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Dudley Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Dudley, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled "An act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. Be it further enacted, That said Corporation in their capacity shall and may lawfully hold and possess such real estate, not exceeding in value fifty thousand dollars, and personal estate not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on said Manufacture in its various branches as aforesaid. [Feb. 8, 1816.]

Chap. 68.

1813 ch. 134.

An ACT in addition to an Act, entitled, "An Act to incorporate the Manufacturers' and Mechanics' Bank."

SECT. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the

same, That the capital stock of the Manufacturers' and Mechanics' Bank, be, and the same is hereby reduced from fifteen hundred thousand to seven hundred and fifty thousand dollars, divided into shares of fifty dollars each. Reduction of stock.

SECT. 2. *Be it further enacted*, That the amount of stock, which the Commonwealth has the right to subscribe for, in addition to the capital stock of said Corporation, is hereby reduced from five hundred thousand dollars, to two hundred and fifty thousand dollars. Ibid.

SECT. 3. *Be it further enacted*, That so much of the act to which this act is in addition, as is inconsistent with the provisions of this act, be, and the same is hereby repealed. [Feb. 8, 1816.]

An ACT in addition to an Act, entitled, "An Act to incorporate certain persons in the town of Dudley, by the name of The First Congregational Society in Dudley." Chap. 69.
1797 ch. 27.
(V. 2. p. 183.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the meetings of the inhabitants of the First Congregational Society in Dudley, for the choice of their officers, shall be held in the months of April or May annually, any thing in any former act to the contrary notwithstanding. Time of holding meetings.

SECT. 2. *Be it further enacted*, That any Justice of the Peace for the county of Worcester be, and he hereby is empowered and directed to issue his warrant to some principal member of said Society, requiring him to warn a meeting thereof, at such time and place as shall be therein set forth, at which meeting, said Society shall agree on the manner of calling their future meetings. [Feb. 8, 1816.] Justice issue warrant.

An ACT incorporating certain persons for the purpose of building a Bridge over Bass river, in the towns of Yarmouth and Dennis. Chap. 71.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Richard Sears, Peregrine White, Isaac White, Alden Gray, Josiah Nickerson, William Gray, and Washington Baker, together with such others as may hereafter associate with them, and their heirs and assigns, shall be a Corporation, by the name of The Proprietors of Bass river Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said Corporation shall be, and they are hereby authorised to erect a Bridge over Bass river, at the second narrows, between the land owned by Richard Sears on the west side of the river aforesaid, and land owned by Josiah Nickerson, on the east side of the river aforesaid; and the said Bridge shall be well built of good materials, not less than eighteen feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers. Persons incorporated.

SECT. 2. *Be it further enacted*, That any three of the persons

Mode of calling
meeting.

before named, may call the first meeting of the said proprietors by an advertisement, posted up at the door of the North Meeting House, in said town of Yarmouth, at least fifteen days prior to the time appointed for such meeting, and the said proprietors by a vote of a majority of those present, accounting, and allowing one vote to each share, (*provided* no person either by his own right or by proxy, or by both, shall be entitled to more than ten votes) shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office; and at the same time, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings, and at the same or at any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Corporation, effecting, completing and executing the purpose aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cease to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding twenty dollars; *provided*, that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth.

Rates of toll.

SECT. 3. *Be it further enacted*, That a toll be, and hereby is granted and established, for the use and benefit of said Corporation, according to the rates following, viz:—for each foot passenger, or one person passing said bridge, two cents; one person and horse, six cents; each single horse-cart, sled, or sleigh, eight cents; each wheel-barrow, hand-cart, and every other vehicle, capable of carrying a like weight, three cents; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, ten cents; and for every additional beast above four, two cents; each single horse and chaise, chair or sulkey, ten cents; neat cattle and horses, exclusive of those rode on or in carriages, carts or waggons, two cents each; sheep and swine for each dozen, six cents; and at the same rate for a greater or less number; and the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not; and to each team one man, and no more, shall be allowed, as a driver, to pass free from payment of toll; and at all times when the toll gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open; and the said toll shall commence on the first day of the opening the said bridge for passengers, and shall continue for and of during the term of seventy-five years, from the said day, and be collected as shall be prescribed by said Corporation: *Provided*, the said proprietors shall at all times keep the said bridge in good repair, and at the end of said term, deliver the same to the Commonwealth, for their use: *Provided also*, at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters.

Proviso.

Condition of
this grant.

SECT. 4. *Be it further enacted*, That if the said Corporation shall neglect or refuse for the space of nineteen months, from

the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

SECT. 5. *Be it further enacted*, That all persons, with their carriages and horses, passing to and from their usual place of public worship, and all persons passing to and from funerals, and all persons passing on military duty, be, and hereby are exempted from paying toll as required by this act. Exemptions.

SECT. 6. *Be it further enacted*, That at the expiration of ten years from the opening of said bridge, the General Court may regulate anew the rates of toll receivable thereat. May alter toll.

SECT. 7. *Be it further enacted*, That if at any future period the towns of Yarmouth or Dennis, or any inhabitant or inhabitants of the said towns, shall reimburse the proprietors of said bridge for all expenses they may have been at for building the same, with legal interest on the amount, deducting the amount of tolls received from the account of interest, it shall no longer continue a toll bridge, and the third section of this act shall be void. [*Feb. 8, 1816.*] Proviso for discontinuing toll.

An ACT to incorporate the Patent Pump Company.

Chap. 72.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Gray, William B. Swett, Phineas Adams, Caleb Loring, and Thomas Curtis, together with such persons as are now, or may hereafter become associated with them, and their successors and assigns, be, and they hereby are made and constituted a body politic, and a Corporation, by the name of The Patent Pump Company, for the purpose of making and vending triangular valve pumps in any and all places. And they shall have all the powers and privileges, and be subject to all the duties contained in the act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." Persons incorporated. (1808 ch. 65.)

SECT. 2. *And be it further enacted*, That the said Corporation shall be capable of purchasing and holding the patent right of Mr Jacob Perkins' triangular valve pump, and all patent rights to all improvements that have been, or shall be made thereon. May purchase patents.

SECT. 3. *Be it further enacted*, That said Corporation shall be capable of purchasing, taking and holding real estate within this Commonwealth, to the value of twenty thousand dollars, and personal estate not exceeding the value of two hundred thousand dollars. [*Feb. 9, 1816.*] May hold real estate.

An ACT to incorporate the second Congregational Society in Charlestown.

Chap. 74.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Austin, jun. Benjamin Swift, Seth Knowles, Jacob Foster and Joseph Phipps, jun. together with such others as shall hereafter associate with them, with their families, polls and estates, be, and they are hereby incorporated into a religious Society, by the name of The Second Congregational Society in Charlestown, with all the powers, privileges and immu- Persons incorporated. (Name changed 1818 ch. 62.)

nities to which parishes are by law entitled in this Commonwealth.

May sell or
lease pews.

SECT. 2. *Be it further enacted*, That the said Society be, and is hereby authorized and empowered to receive a deed of the meeting-house they have purchased, and to sell or lease the pews in said meeting-house, and to give deeds to convey the same.

Conditions of
membership.

SECT. 3. *Be it further enacted*, That any other person who shall unite in religious worship with the said Second Congregational Society, by giving in his or her name to the town Clerk of said Charlestown, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of and united in worship with said Society, shall from and after giving in such certificate, with his or her family, polls and estates, be considered as members of said Society.

May assess
taxes.

SECT. 4. *Be it further enacted*, That the pew holders in said religious Society, are hereby authorised to assess on the pews of said meeting-house, such taxes as they from time to time shall find necessary for the maintenance of public worship and other parochial charges, according to the relative value of said pews; and the pews in said house shall be held liable to be taken and sold for the payment of all assessments duly made as aforesaid, and for the charge of all expenses incurred by such sale, in such manner and on such contingencies and conditions as may be agreed upon by said Society, and which shall be summarily expressed and contained in the deeds of the pews; and the assessments made as aforesaid shall be considered as a lien upon the pews in said meeting-house; and a bill of each proprietor's assessment, and of the time or times of payment, shall be left in his pew, of which fact the oath of the Treasurer, or of the person by him employed for that purpose, shall be sufficient evidence.

May secede.

Proviso.

SECT. 5. *Be it further enacted*, That when any member of said second Congregational Society shall see cause to leave the same and unite in religious worship with any other religious society, and shall give in his or her name to the Clerk of said second Congregational Society, accompanied with a certificate from the Minister or Clerk of such Society, as he or she may have joined, shall be considered as no longer a member: *Provided however*, that in all cases of secession from said Society, every such person shall be holden to pay his or her proportion or assessment made on the pews in said Society prior to leaving the same.

Records.

SECT. 6. *Be it further enacted*, That all deeds and conveyances of, and all executions extended on the pews in said meeting-house, shall be recorded by the Clerk of the said parish, in a book to be provided for that purpose, and being so recorded shall be considered valid in law.

Mode of call-
ing meeting.

SECT. 7. *Be it further enacted*, That the persons named in the first section of this act, or either of them, may cause the first meeting of said society to be called for any purpose specified by them, to be posted up in some public place in said Charlestown, giving notice of the time and place of said meet-

ing; at which meeting said Society may agree on the mode of notifying future meetings. [Feb. 9, 1816.] See 1818 ch. 62.

An ACT to incorporate the Agricultural Society in Attleborough.

Chap. 75.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joel Read, Amos Ide, John Haven, Jonathan Peck, Joseph Tiffany, Richard Hunt, Abiathar Richardson, jun. Ebenezer Guild, Levi Read, Lemuel May, with their associates and successors, be, and they are hereby made a Corporation, by the name of The Attleborough Agricultural Society, for the purpose of promoting Agriculture; and for this purpose, shall have the same powers and privileges, and be subject to the like duties and restrictions as the other incorporated Agricultural Societies in this Commonwealth; and the said Corporation may hold and possess real estate not exceeding the value of five thousand dollars, and the annual income of its personal estate shall not exceed the value of two thousand dollars.

Persons incorporated.

SECT. 2. *Be it further enacted,* That any Justice of the Peace for the county of Bristol, is hereby authorized to issue a warrant, directed to one of the members aforesaid, requiring him to notify and warn the first meeting of said Society, to be held in said Attleborough, at such convenient time and place, as may be appointed in said warrant, to organize said Society by electing necessary officers, and forming rules and regulations for the government of the said Society. [Feb. 9, 1816.]

Regulations for organizing.

An ACT to incorporate the Rivulet Manufacturing Company.

Chap. 76.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Read, Daniel Carpenter, and Alpheus Baylis, with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Rivulet Manufacturing Company, for the purpose of manufacturing woollen yarn and cloth, in the town of Uxbridge, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act made and passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid. [Feb. 9, 1816.]

May hold real estate.

An ACT to incorporate the Handel and Haydn Society.

Chap. 77.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Smith Webb, Amasa Winchester, Nathaniel Tucker, and Mathew Stanley Parker, together with such as may become associated with them, and their successors, be,

Persons incorporated.

and they hereby are incorporated and made a body politic and Corporation, for the purpose of extending the knowledge and improving the style of performance of church music, by the name of The Handel and Haydn Society; and by that name they may sue and be sued, have a common seal, and the same at pleasure alter, and be entitled to all the powers and privileges incident to aggregate Corporations.

Officers to be chosen.

Duties.

SECT. 2. *Be it further enacted*, That the said Corporation shall at their first, or some subsequent meeting, choose a President, Treasurer, and such other officers as they may deem necessary or convenient for the government and regulation of said Corporation and its property; they shall have the power to make standing rules or by-laws, for prescribing the terms of office, and duties of their officers, for regulating the terms on which persons may be admitted and continue members of the corporation, and generally for the regulation of their affairs.

May hold real estate.

SECT. 3. *Be it further enacted*, That the said Corporation shall be capable of taking and holding real estate, not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, which estate shall never be divided among the members of the Corporation, but shall descend to their successors, subject only to the payment of the just debts to be incurred by said Corporation.

Power to call first meeting.

SECT. 4. *Be it further enacted*, That Thomas Smith Webb shall have power to call the first meeting of said Corporation, by appointing a time and place therefor, and giving notice thereof to the other persons named and incorporated by this act. [Feb. 9, 1816.]

Chap. 79.

An ACT to incorporate the North Brookfield Woollen Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Waite, John Bigelow, Thomas Bond, jun. Moses Bond, Silas Henry, Josiah Carey, Abraham Hunter, Peleg Peekham, Edmund Mayo, and Robert Blair, with such other persons as already have or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the North Brookfield Woollen Manufacturing Company, for the purpose of manufacturing woollen cloths, within the town of North Brookfield in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations."

(1808 ch. 65.)

May hold real estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid. [Feb. 9, 1816.]

Chap. 80.

1813 ch. 175.
1814 ch. 147.

An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Dedham Bank."

BE it enacted by the Senate and House of Representatives, in

General Court assembled, and by the authority of the same, That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Dedham bank, in lieu of being paid in at the time by law now prescribed, may respectively be paid in at the discretion of the stockholders of said bank, at any time within one year from the passing of this Act, any thing in the several Acts to which this is in addition, to the contrary notwithstanding. [Feb. 9, 1816.]

Discretionary powers.

An ACT in addition to an Act, entitled "An Act to incorporate the Episcopal Church in Cambridge, so called, for certain purposes."

Chap. 82.

1794 ch. 13.

(V. 1. p. 531.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of Christ church, so called, in Cambridge, in the county of Middlesex, together with such other persons by law entitled to vote in parish affairs, as usually attend public worship in said church, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Episcopal Society in Cambridge, with all the powers and privileges, which parishes in this Commonwealth are by law vested with. And the said society shall be to all legal intents and purposes, the successor to the corporation created and made by the Act to which this Act is in addition.

Body politic.

SECT. 2. *Be it further enacted,* That when any other person or persons, may hereafter incline to join said society, and shall leave a certificate thereof, signed by the wardens of the society, with the clerk of the town or parish, to which he, she, or they may respectively belong, fourteen days, at least, before the annual meeting of such town or parish, by law to be holden in the months of March or April, such person or persons, with his, her, or their polls and estates, shall thenceforth be considered as belonging to said society. And whenever any person or persons, belonging to said society shall see cause to leave the same and to unite with any other parish, or religious society, and shall leave with the wardens of the said Episcopal society a certificate thereof, signed by the minister or clerk of such other parish, or religious society, such person or persons, with his, her or their polls and estates, shall be discharged from the said Episcopal society, and annexed to the parish or society, to which he, she, or they may have so united.

Membership.

SECT. 3. *Be it further enacted,* That the said society, at their first meeting, which shall be convened pursuant to this Act, and afterwards at their annual meetings on Easter Monday, in each year, or at any adjournment of such meeting, shall or may elect, two or more church wardens, and any number of vestry men, not exceeding twelve, a treasurer, assessors, recording clerk, and such other officers as they shall think necessary for the management of their concerns, to continue in their respective offices until others shall be chosen in their place; and at any such meeting, or other meeting to be called for the purpose, may supply the vacancy of any office, and may establish suitable by-laws and rules for the government of the said corporation, and prescribe the manner in which their meetings shall be warned, and the forms of proceedings and voting there-

Officers to be elected.

in, and the authorities and duties of their respective officers and agents.

May levy taxes. SECT. 4. *Be it further enacted*, That at any such meeting, the said society may make or order reasonable taxes and assessments, for the support of public worship, and for the preservation, repairs or improvement of their church, or other estates of which they may at any time be seized or possessed, and may order the same to be assessed upon the pews of said church, or a part thereof upon the pews, and the remainder upon the polls and estates of the members of the said society, according to the valuation of their respective estates by the assessors of the said society. And for the purpose of such assessments upon the pews, there shall be a valuation of the same by the assessors, according to their size and situation, which valuation may be from time to time revised and altered by the society; and the sum voted at any time to be assessed upon the pews, shall be apportioned upon them according to such valuation.

Obligation of church officers. SECT. 5. *Be it further enacted*, That the assessors and recording clerk to be chosen pursuant to this Act, shall, before they enter on the duties of their respective offices, be sworn to the faithful discharge of the same, which oath may be administered by the moderator of the meeting at which they shall be chosen, or by any Justice of the Peace for the said county of Middlesex.

May sue for debts. SECT. 6. *Be it further enacted*, That if any member of said society shall neglect to pay the tax assessed upon him, or her, as aforesaid, or any tax which shall be due from him or her under the authority of the Act to which this is an addition, after notice and demand thereof by the treasurer or collector, the same may be recovered by an action of debt, or upon the case, to be brought in the name of the treasurer for the time being, against any such delinquent member of the said society, or his or her executors or administrators.

May raise funds. SECT. 7. *Be it further enacted*, That the said society be, and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the income or interest of which, or so much thereof as shall be found necessary or expedient, they may from time to time appropriate and apply to the support of the minister of the society, for the time being, or to the repairs of the church, parsonage house, or other estates of the society, or to the relief of the poor of the society, as the said society shall from time to time, agree and determine. And the wardens of the society for the time being shall be the trustees of such fund, and shall have the management of the same, subject to the control and direction of the society: *Provided* that the whole annual income of such fund, exclusive of the parsonage house, glebe or lands in the actual occupation of the minister for the time being, shall not exceed the sum of five thousand dollars.

Proviso.

Persons to warn meeting.

SECT. 8. *Be it further enacted*, That Abraham Biglow and Samuel P. P. Fay, Esquires, the present wardens of said church, or either of them, shall notify and warn the first meeting of the

said society, by posting notifications thereof at the doors of said church, fourteen days, at the least, before the time appointed for such meeting. [Feb. 9, 1816.]

An ACT to regulate the Fisheries in the town of Dennis.

Chap. 83.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the town of Dennis shall be and hereby is empowered and directed, at their meeting for the choice of town officers in March or April annually, to choose three or more persons, being freeholders in the said town, to see that this Act be duly observed; and each person so chosen, shall be sworn faithfully to discharge the duties required of him by this Act; and the said committee shall meet together annually on or before the twentieth day of April, on such time and place as they, or a majority of them, shall appoint, and the major part of the committee present at such meeting, are hereby authorized and empowered to order the times, places and manner in which it may be lawful to take any of the fish called herring, alewives, perch, and eels in said town; and the said committee, or a majority of them, are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass, to be kept open and without obstruction, to remove such as may be found therein, and to make the said passage ways wider or deeper, if they shall judge it necessary; and said committee or either of them, paying a reasonable consideration therefor, if demanded, shall have authority for those purposes, to go on the land or meadow of any person through which said streams run, without being considered as trespassers; and any person who shall molest or hinder the said committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage way in the river, streams, coves or ponds, in said town, otherwise than may be allowed by the said committee, he or they shall forfeit and pay a fine for every such offence, not exceeding ten dollars, nor less than three dollars.

Officers to be chosen.

SECT. 2. *Be it further enacted,* That if any person or persons shall take any of the said fish in the rivers, streams, ponds or coves aforesaid, at any time, in any place, or in any manner other than shall be allowed by the said committee as aforesaid, each person so offending, for each and every such offence shall, on conviction thereof, pay a fine not exceeding four dollars, nor less than one dollar, if the quantity of fish so taken, is less than one barrel, but if the quantity of fish so taken shall be one barrel or more, such person or persons so offending, shall forfeit and pay for each and every barrel of fish so taken the sum of four dollars.

Fines.

SECT. 3. *Be it further enacted,* That if the committee aforesaid, or either of them, shall detect any person or persons in attempting to take any of the said fish, at any time, or in any place, or in any manner, otherwise than is allowed by the committee, or shall find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish

unlawfully, and shall be subject to the penalties of this Act accordingly, unless such person or persons can make it appear on trial that they came to the said fish in some other way.

Seizure and
forfeitures.

SECT. 4. *Be it further enacted*, That if any vessel, boat, or craft shall be found within the limits of any of the rivers, streams, ponds or coves, with any more of said fish than shall be permitted by the committee aforesaid, it shall be the duty of said committee, and they are hereby authorized to seize such vessel, boat, or craft, and detain the same, not exceeding forty-eight hours, in order that the same may be attached, or arrested by due process of law, and made answerable for said fines and forfeitures with cost of suit; *Provided however*, that as soon as the owner or master of said vessel, boat or craft, shall pay such fines and forfeitures to the treasurer of said town, if he shall pay the same before being sued, such vessel, boat or craft shall be discharged with the effects therein.

SECT. 5. *Be it further enacted*, That all the forfeitures incurred by virtue of this Act shall be to the use of the said town of Dennis, to be recovered by an action on the case, in any court proper to try the same, to be brought by the treasurer thereof. [Feb. 10, 1816.]

Chap. 84.

An ACT to empower the Selectmen of Saugus to appoint Engine Men.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the town of Saugus be, and hereby are authorized and empowered to nominate and appoint, as soon as may be after the passing of this Act, and ever after in the month of March annually, so long as there shall be a good engine near Saugus river, within the bounds of the town of Lynn, nine persons, who in addition to those appointed by the selectmen of the town of Lynn, the whole not to exceed twenty-one men, shall be one company of engine men, to take charge of and manage said engine, who shall be subject to the same duties and vested with the same powers, and entitled to the same rights, privileges and exemptions that other engine men now by law are. [Feb. 10, 1816.]

Chap. 88.

An ACT to incorporate the President, Directors and Company of the Bedford Commercial Bank.

Persons incor-
porated;

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Rotch, jun. William Howland, Oliver Crocker, Gideon Howland, jun. Joseph Ricketson, Gideon Allen, Seth Russell, jun. John A. Parker, Joseph Dunbar, James Howland, Menassah Kempton, and Cornelius Grinnel, with their associates, successors and assigns shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Bedford Commercial Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be de-

fended in any Courts of Record, or any place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and prudent for the government of their affairs: *Provided*, such by-laws, ordinances and regulations shall in no wise be contrary to the Constitution and Laws of this Commonwealth; and the said Corporation shall always be subject to the rules, restrictions, limitations and provisions herein prescribed.

SECT. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in four equal instalments. The first on or before the first day of September next, the second on or before the first day of March next after, the third on or before the first day of September next afterwards, and the last on or before the first day of March next afterwards; and the Stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said Stock and the profits thereof, which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns. And the said Corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of thirty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects by discounting on banking principles on such security as they shall think proper: *Provided, however*, that nothing herein contained shall restrain or prevent the said Corporation from taking and holding real estate in mortgage or on execution to any amount as security for, or in payment of any debts due to said Corporation; and *provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank until the Capital subscribed and actually paid in and existing in gold and silver in their vaults shall amount to twenty-five thousand dollars.

Capital Stock.
(Increased
1821 ch. 6.)

Privileges.

SECT. 3. *Be it further enacted*, That the rules, limitations, and provisions, which are provided in and by the third section of an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established; *provided*, that the bond required to be given by the Cashier shall be given in the penalty of twenty thousand dollars, and the number of Directors to be annually chosen shall be nine, who shall be inhabitants of this Commonwealth, five of whom may constitute a quorum for transacting business; and *provided also*, that the amount of bills at any time issued from said Bank shall not exceed fifty per cent beyond their capital stock actually paid in.

(1811 ch. 84.)

Penalty.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of New Bedford.

Location.

State loans.

SECT. 5. *Be it further enacted*, That whenever the Commonwealth may require it, said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten thousand dollars at any one time, reimbursable at five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per cent. per annum; *provided, however*, that the Commonwealth shall never at any one time stand indebted to said Corporation, without their consent, for a larger sum than twenty thousand dollars.

Forfeitures.

SECT. 6. *Be it further enacted*, That any Committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults; and if on such examination, it shall be found, and after a full hearing of said Corporation thereon be determined by the Legislature, that said Corporation have exceeded the powers herein granted, or failed to comply with any of the rules, regulations or conditions in this act provided, the Corporation shall thereupon be declared forfeited and void.

First meeting.

SECT. 7. *Be it further enacted*, That the persons herein before named, or a majority of them are authorized to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, by advertising the same three weeks successively in the New-Bedford Mercury, printed at New-Bedford, and by posting up notifications in one or more public places in the town of New-Bedford and the town of Fairhaven, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Semi-annual report.

SECT. 8. *Be it further enacted*, That it shall be the duty of the Directors of said Bank to transmit to the Governor and Council of this Commonwealth for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the Capital Stock of said Corporation, and of the debts due the same, of the monies deposited therein, and of the notes in circulation, and of the gold, silver and copper coin, and the bills of other Banks on hand; which statement shall be signed by the Directors and attested by the Cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

Additional stock.

SECT. 9. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the Capital Stock of said Corporation, subject to such rules, regulations and provisions, as shall be by the Legislature made and established as to the management thereof.

SECT. 10. *Be it further enacted*, That the said Corporation

shall be liable to pay to any *bona fide* holder, the original amount of any note of said Bank altered in the course of its circulation to a larger amount, notwithstanding such alteration. Shall pay altered notes.

SECT. 11. *Be it further enacted*, That the said Corporation, from and after the first day of April in the year of our Lord one thousand eight hundred and seventeen, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Mondays of April and October, annually, the half of one per cent. on the amount of the original stock which shall have actually been paid in; Tax to State. *provided however*, that the same tax, payable in manner as aforesaid, shall be required by the Legislature of all Banks hereafter incorporated within this Commonwealth; and *provided further*, that nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any Bank already incorporated under the authority of this Commonwealth, whenever they may think proper so to do.

SECT. 12. *Be it further enacted*, That one tenth part of the whole funds of said Bank shall always be appropriated to loans to be made to the citizens of this Commonwealth, and wherein the Directors shall wholly and exclusively regard the Agricultural and Manufacturing interest; which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and on the personal bond of the borrower with collateral security by mortgage of real estate to the satisfaction of the Directors of said Bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases. [Feb. 10, 1816.] Add. act—1821 ch. 6.

An ACT to establish the Fourth Congregational Society in the town of Plymouth. Chap. 89.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Silvanus Finney, Solomon Finney, Stephen Doten, Isaac Howland, John Doten, Nathan Whiting, Stephen Doten, jun. Caleb Morton, Lemuel Leach, jun. Henry Howland, Ichabod Howland, Thomas Chiles, George R. Wiswall, James Morton, jun. William Burgess, jun. Barnabas Holmes, 3d. Job Hill, Ephraim Morton, Alexander Ripley, Zabeh Olney, Caleb Finney, Charles Howland, George Finney, William Howland, Nathaniel Clark, 3d, Hosea Churchill, Henry Casady, Elkanah Finney, Finney Leach, Clark Finney, Robert Finney, Ephraim Finney, Seth Finney, Bartlet Holmes, Lemuel Leach, John Clark, John H. Clark, William C. Nye, Ezra Burbank, Caleb Fish, Gilbert Holmes, Ebenezer Holmes, Samuel Howland, Elisha Doten, Francis McGill, Ephraim Bradford, Freeman Morton, William Clark, Prince Manter, be, and hereby are incorporated into a parish, by the name of The Fourth Congregational Society in Plymouth, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law. Persons incorporated.

May join mem-
bership.

SECT. 2. *Be it further enacted*, That any Member of said Society, or any Member of the first and third parishes in Plymouth, shall have full liberty to join themselves with their families and estates that they hold in their own right, to said Society, or said first and third parishes respectively, at any time within two years from the passing of this act; *provided* they shall first signify in writing under their hands to the Clerk of said town of Plymouth their determination of being considered as belonging to the Society or parish to which they may join themselves as aforesaid.

SECT. 3. *Be it further enacted*, That forever after the expiration of the said two years, any member of said Society, or any member of the first and third parishes aforesaid, shall be considered as belonging to said Society, or said first or third parishes respectively, with his family and estate, by signifying his determination in writing to the Clerk of said town as aforesaid, and at the expiration of eighteen months after signifying such determination in manner above said; *provided* the party applying shall not have withdrawn said application before the expiration of said term.

Privileges.

SECT. 4. *Be it further enacted*, That the members of said Society, and said first and third parishes respectively and their families, shall be deemed and considered as continuing members of said Society, and said first and third parishes respectively, with their estates, for the time being, until their relation shall be changed, in manner as above prescribed.

Property tax-
able.

SECT. 5. *Be it further enacted*, That the estate real and personal of any member of said Society or of said first and third parishes, shall be taxable by said Society or said first and third parishes respectively, only in, by and for the Society or parish to which the person owning such property shall or may belong at the time of making such tax; and any person leaving said society or either of said parishes in manner as above mentioned, shall be holden to pay all taxes remaining assessed upon him at the time of his ceasing to be a member of said Society or said first and third parishes respectively.

Power limited.

SECT. 6. *Be it further enacted*, That the word estate mentioned in this act, so far as it relates to real estate, shall extend only to such real estate as the members of said Fourth Congregational Society, and of the said parishes hold or may hold in their own right; and that any Justice of the Peace for the county of Plymouth is hereby authorized to issue his warrant to some member of the said Fourth Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings. [Feb. 10, 1816.]

Chap. 93.

1813 ch. 23.
1814 ch. 65.

An ACT in addition to an Act, entitled, "An Act in addition to an Act, entitled, an act to incorporate the President, Directors and Company of the Pawtucket Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,

That so much of an act, entitled, "An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Pawtucket Bank," as regards the times at which the Stockholders of said Bank are required to pay in their third and fourth instalments of the Capital Stock thereof, be, and hereby is repealed; and that the Stockholders of said Bank be, and they hereby are required to pay in the third and fourth instalments of the Capital Stock of said Bank at the following periods, to wit—the third instalment on the first Tuesday in February, in the year of our Lord one thousand eight hundred and eighteen; and the fourth instalment on the first Tuesday of August, then next following, or at such earlier times as the Stockholders at any meeting thereof may order. [*Feb. 13, 1816.*] Further act 1817 ch. 68: 1818 ch. 51.

Time allowed.

(Altered by
1817 ch. 68.
1818 ch. 51.)

An ACT to incorporate the Trustees of the Westerly School in Roxbury.

Chap. 94.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Committee, Treasurer and Clerk, for the time being, of the Westerly School in the town of Roxbury, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Trustees of the Westerly School fund in Roxbury.

Body politic.

SECT. 2. *Be it further enacted,* That the said Corporation may have and use a common seal, and shall be capable of suing and being sued in any actions, real, personal or mixed, in any Court having jurisdiction thereof; shall or may take and hold in fee simple or otherwise, by purchase, gift, grant or devise, any estate, real, personal or mixed, and may sell and dispose of the same at pleasure, not using the same in trade; may make and execute any by-laws and rules for the government of the Corporation, and may appoint such officers, and invest them with such powers as the Trustees may think expedient, not repugnant to the Laws of this Commonwealth.

May hold real estate, &c.

SECT. 3. *Be it further enacted,* That any note, bond, mortgage, or other security which may have been made payable to the Treasurer of the said Westerly School district, shall remain good and valid in the hands of the said Trustees as if made payable to them; and the income of the fund shall be applied toward the support of the said School agreeable to the will and intention of the donors, so far as the same can be known.

Application of income.

SECT. 4. *Be it further enacted,* That meetings for the choice of the officers aforesaid, may be called in the same manner that meetings are called for building and repairing school houses, and the said officers may be chosen annually, or for a longer time, as the district, when legally convened for that purpose, by a major vote shall determine. [*Feb. 13, 1816.*]

Meeting called.

An ACT to incorporate the Trustees of the Ministerial Fund in the first parish in Amherst.

Chap. 95.

WHEREAS certain persons, inhabitants of the first parish in Amherst, in the county of Hampshire, have already subscribed a considerable sum of money to constitute a permanent fund for the support of the ministry of the Gospel and the Con-

Parish incorporation.

gregational worship, in said parish, and have by their petition, prayed this Legislature to incorporate trustees for the due management of said Fund, and vest them with the power necessary for the accomplishment of that object.

Trustees to be
chosen.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Noah Webster, Rufus Cowles, Moses Hastings, Enos Baker, and Calvin Merrill, be, and they are hereby appointed Trustees to receive and hold all such sums of money as now are or hereafter may be subscribed for the aforesaid purpose, and also to receive and hold any estate, real or personal, that may be given or bequeathed to them as Trustees, for the said purpose. And the said Trustees are hereby authorized and empowered to demand and receive from the Treasurer of the parish, all notes, obligations or other securities which have been or may be given for any sum or sums of money subscribed for the purpose aforesaid, and the same to hold for the sole use and benefit of said parish : *provided* the amount of the said sum shall not exceed twelve thousand dollars. And the said Trustees are hereby constituted a body politic and corporate to have perpetual succession, with power to supply all vacancies in the trust, to appoint such officers as they shall deem necessary or expedient for transacting the business of said Corporation, and to do and execute whatever may be necessary or useful towards a faithful management of said Fund.

Duties of Trustees.

SECT. 2. *Be it further enacted,* That the Trustees before named and their successors in office, be, and are hereby invested with full power to receive all sums of money, notes, bonds or obligations, and all deeds, bequests, legacies and donations that may be given or made to them in trust for the benefit of said parish as aforesaid, and to collect the interest or rents and profits of the same annually, and also to collect the principal sum when due and payable, or require security for the payment, when, in their apprehension, the debts are in danger of being lost. And in order to accumulate the Fund, according to the design of the subscribers, they are hereby authorized to add the annual interest to the principal, placing the whole at interest on good security, until the whole Fund shall amount to ten thousand dollars. But nothing in this act shall authorize the said Trustees to use or apply any money given for the purpose aforesaid, in any manner contrary to the direction of the subscribers or donors.

Powers of
Trustees.

SECT. 3. *Be it further enacted,* That the said Trustees may hold, sell or lease any real estate, given, bequeathed or mortgaged to them for the support of the Ministry in said parish as aforesaid.

Appropriation
of funds.

SECT. 4. *Be it further enacted,* That when the Fund aforesaid shall amount to the sum of ten thousand dollars, the whole of the annual interest, rents and profits of the same shall be annually paid by said Trustees to the Treasurer of the parish, and by him applied to the payment of the salary of the settled Congregational Minister of said parish : And the said Trustees, shall, at the annual meeting of said Parish, in March or April,

exhibit to the said parish their account with the Treasurer, expressing the receipts and payments, with the state of the funds: and the Treasurer shall exhibit his account with the said Trustees to the parish at the same meeting; and the said parish, at their discretion, may appoint auditors, not exceeding three in number, to examine said accounts and the vouchers, and make report to the said parish of the state of the fund, with the receipts and disbursements.

SECT. 5. *Be it further enacted*, That the interest of any money or donation, not intended to form a part of the accumulating fund aforesaid, shall be annually paid over to the Treasurer of the said parish, by the said Trustees, to be applied to the payment of the salary of the Minister of said parish, in the manner prescribed by the fourth section of this act.

Appropriation
of interest of
fund.

SECT. 6. *Be it further enacted*, That Noah Webster, Esq. be, and he is hereby authorized and empowered to call the first meeting of the Trustees aforesaid, at such time and place as he shall deem expedient. [Feb. 13, 1816.]

Meeting called.

An Act in further addition to an Act, entitled, "An Act in addition to an Act, entitled, An Act to incorporate the President, Directors and Company of the Hampshire Bank."

Chap. 98.
1813 ch. 59.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an Act, entitled, "An Act in addition to an Act, entitled, An Act to incorporate the President, Directors and Company of the Hampshire Bank," as regards the time at which the stockholders of said Bank are required to pay in their fourth instalment of the capital stock thereof, be, and hereby is repealed; and that the stockholders of said Bank be, and they hereby are required to pay in their said fourth instalment of the capital stock of said Bank on the first day of March, in the year of our Lord, one thousand eight hundred and seven-
teen. [Feb. 13, 1816.] Further act—1817 ch. 55.

Time allowed.
(1814 ch. 125.)

An Act to incorporate The Proprietors of certain Meadows in Sudbury and East Sudbury.

Chap. 101.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the proprietors and owners of meadow lands situated in the towns of Sudbury and East Sudbury, which are adjoining Sudbury river, so called, from the line of the town of Framingham to the line of the town of Concord, and which have been flowed in the summer season, from and after the passing of this Act, be, and they hereby are incorporated into a body politic, by the name of The Proprietors of Meadows in Sudbury and East Sudbury, and by that name may sue and be sued, and do and suffer all matters, acts or things which bodies politic may or ought to do and suffer.

Proprietors in-
corporated.

SECT. 2. *Be it further enacted*, That said corporation shall have power to clear said river, by removing the sand banks, bars, and other natural obstructions, and by cutting and clearing the grass that grows in said river, whether the same be within the limits of said towns or not; and that the said corpo-

May sue.

ration, in their corporate capacity, may maintain an action of the case in any court proper to try the same, for any unlawful obstructions put in or kept up in said river, either within the limits of said towns or elsewhere, by reason of which said meadow may in any wise be injured.

Meetings
warned.

Officers to be
chosen.

Powers.

Future meet-
ings.

Assessment.

SECT. 3. *Be it further enacted*, That any justice of the peace in the county of Middlesex be, and he hereby is empowered and directed, upon application in writing from five or more of said proprietors, to issue his warrant to any one of the proprietors aforesaid, requiring him to notify and warn the said proprietors to meet at such time and place as he shall deem most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant with the notification thereon, at the several houses of public worship in said towns of Sudbury and East Sudbury, fourteen days at least prior to the time of holding said meeting; and the said proprietors, when legally assembled as aforesaid, shall have power to choose a clerk, committee, assessors, collector of taxes, treasurer, and such other officers as they shall deem necessary, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their room, which may be when, and as often as said corporation shall judge necessary: which officers chosen and sworn as aforesaid shall have the same power to perform, execute and carry into effect any vote or lawful order of said corporation, as town officers of the like description have by law to do and perform in their respective offices; and the said corporation shall at their first meeting agree and determine upon a method of calling future meetings; and the said corporation at any meeting legally called for that purpose, may vote to raise monies for the purposes of removing obstructions in said river, and for draining and better managing said meadows, and for carrying the votes and orders of said corporation into effect; and all monies raised as aforesaid, shall be assessed upon each proprietor in proportion to the interest he or she may have in said meadows; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, for the space of ninety days after the assessment shall have been shewn to him by the collector, or a copy thereof left at his usual place of abode, so much of his or her meadow shall be sold by the collector as will be sufficient to pay the same with cost; notice of such sale to be given by the collector by posting up advertisements thereof at the several houses of public worship in the towns of Sudbury and East Sudbury, thirty days prior to the sale, with the names of the proprietor or proprietors, the amount of taxes assessed upon their meadow land respectively, and also the time and place of sale; and if no person shall appear thereupon to discharge the said taxes and all intervening charges, then the collector shall proceed to sell at public auction to the highest bidder, so much only of said meadow land as shall be sufficient to discharge said taxes, and all intervening charges; and shall give and execute a deed or deeds to the purchaser or purchasers, his or her

heirs and assigns, expressing therein the cause of such sale, saving to such delinquent proprietor or proprietors the right of redeeming the same for the space of one year, by paying the said purchaser the sum he may have given therefor, and interest after the rate of ten per centum per annum. And the said corporation may at their first meeting, or any future meeting legally called, establish such rules and regulations as shall be judged necessary, *provided* the same are not contrary to the constitution and laws of this Commonwealth, for the better management of its affairs, for which purpose, in addition to the power and authority in this Act given them, they are hereby invested with all the powers legally appertaining to the proprietors of general and common fields. [Feb. 13, 1816.]

Redemption.

Rules and regulations.

An ACT to establish an Academy in the Town of Amherst, in the county of Hampshire.

Chap. 102.

WHEREAS sundry persons, inhabitants of Amherst, in the county of Hampshire, have, at the expense of five thousand dollars, erected a suitable building for an Academy in said town, and have procured an able instructor to teach the usual Academical branches of learning, and it appears that said town is a suitable place for such an institution :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of Amherst, an Academy, by the name of Amherst Academy, for the purpose of promoting morality, piety and religion, and for the instruction of youth in the learned languages, and in such arts and sciences as are usually taught in other Academies, or as shall be directed by the trustees; and David Parsons, Nathan Perkins, Samuel T. Dickinson, Hezekiah W. Strong, Rufus Cowles, Calvin Merrill, Noah Webster, John Woodbridge, James Taylor, Nathaniel Smith, Josiah Dwight, Rufus Graves, Winthrop Bailey, Experience Porter, and Elijah Gridley, be, and are hereby incorporated into a body politic, by the name of The Trustees of Amherst Academy, and that they and their successors shall be and continue a body politic and corporate, by the same name forever.

Persons incorporated.

SECT. 2. *Be it further enacted,* That all monies, lands, or other property and things already given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said trustees, for the purpose aforesaid, shall be and hereby are confirmed to the said trustees and to their successors in that trust forever; and that the said trustees may have and hold in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal; *provided* the annual income thereof shall not exceed the sum of five thousand dollars; and may sell and dispose of the same, and apply the interest, rents and profits thereof in such manner as to promote the end and design of said institution.

Fee simple.

SECT. 3. *Be it further enacted,* That the said trustees shall have power, from time to time, to elect such officers of the said

Power of trustees.

Academy as they shall judge necessary, and to fix the tenures of their respective offices; to remove any trustee from the corporation, when, in their opinion, he shall be incapable by reason of age or otherwise, of discharging the duties of his office; to fill all vacancies in said corporation by electing such persons for trustees as they shall think suitable; to determine the times and places of their meetings, the manner of notifying the trustees, and the method of removing and electing trustees; to prescribe the powers and duties of their several officers; to appoint preceptors of the said Academy, to determine their powers and duties, and to fix the tenures of their offices, and to make and ordain rules and orders, with reasonable penalties, for the good government of said Academy, not repugnant to the laws of the Commonwealth.

May sue and
be sued.

SECT. 4. *Be it further enacted*, That the said trustees may have a common seal, which they may, at pleasure, break, alter and renew; and that all deeds signed and sealed with their seal, delivered and acknowledged by the treasurer or secretary of said corporation, by order of said trustees, shall be good and valid in law; and that the said trustees may sue and be sued, in all actions, real, personal, and mixed, and prosecute or defend the same to final judgment and execution, by the name of The Trustees of Amherst Academy.

Officers limited.

SECT. 5. *Be it further enacted*, That the number of said trustees shall not, at one time, be more than fifteen, nor less than nine; and five of them shall constitute a quorum for transacting business.

Meetings called.

SECT. 6. *Be it further enacted*, That the Reverend David Parsons be, and hereby is authorized to appoint the time and place for holding the first meeting of the said trustees, and to give them notice thereof, in such manner as he shall judge expedient. [Feb. 13, 1816.]

Chap. 104.

An ACT to incorporate the Trustees of Hopkins Academy.

WHEREAS it appears by the petition of Seth Smith and others, the committee of the donation school in the town of Hadley, that a fund heretofore given for the support of said school by the honourable Edward Hopkins, may be more conveniently and advantageously directed to the furtherance of the benevolent objects of the donor by establishing a body politic for the management of the same: Therefore,

Persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established an academy in the town of Hadley and county of Hampshire, upon the foundation of the Hopkins donation school, to be known and called hereafter by the name of Hopkins Academy, and that Seth Smith, William Porter, Jacob Smith, William Dickinson, and Moses Porter, the committee of the donation school aforesaid, be, and they hereby are incorporated into a body politic by the name of the Trustees of Hopkins Academy; and they and their successors shall be and continue a body politic by the same name forever.

SECT. 2. *Be it further enacted*, That all the lands and monies heretofore given or subscribed to the committee aforesaid for the use of the said school, or which shall hereafter be given, granted and assigned to the trustees aforesaid for the use of the said academy, shall be confirmed to the said trustees, and their successors in that trust forever, for the uses designated by the donors: and they, the said trustees and their successors shall be further capable of having, holding and taking, in fee simple, by gift, grant, devise or otherwise, any lands, tenements or other estate, real or personal; *provided* the annual income of the same shall not exceed five thousand dollars; and that the rents, issues and profits thereof shall be applied in such a manner as that the designs of the donors may be most effectually promoted.

Property assigned.

Fee simple.

SECT. 3. *Be it further enacted*, That the said trustees shall have power from time to time, as they shall determine, to elect such officers of the said academy as they shall judge necessary and convenient, and fix the tenures of their respective offices: to remove any trustee from the corporation, when in their opinion he shall be incapable, through age or otherwise of discharging the duties of his office; to fill all vacancies by electing such persons for trustees as they shall judge best; to determine the times and places of their meetings, the manner of notifying the said trustees, and the method of electing or removing them; to ascertain the powers and duties of their several officers; to elect preceptors and instructors of the said academy, and determine the duties and tenures of their offices; to ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of the said academy, and to ascertain the qualifications of students, requisite to their admission, and the same rules, orders or by-laws at their pleasure to repeal.

Officers to be chosen.

Rules and regulations.

SECT. 4. *Be it further enacted*, That the trustees of the said academy may have one common seal, which they may change at pleasure, and that all the deeds signed and delivered by their treasurer or secretary by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such to be duly executed and valid in law; and that the trustees aforesaid may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution.

May sue and be sued.

SECT. 5. *Be it further enacted*, That the number of said trustees and their successors, shall not at any one time be more than nine, nor less than five, and a majority of the whole number for the time being, shall constitute a quorum for transacting business; and a majority of members present at a legal meeting, shall decide all questions proper to come before the trustees.

(Repealed and altered, 1821 ch. 1.)

SECT. 6. *Be it further enacted*, That Seth Smith be, and he hereby is authorized to fix the time and place of holding the first meeting of the said trustees, and to notify them thereof. [Feb. 14, 1816.] Add. act—1821 ch. 1.

An ACT to incorporate certain proprietors of Meadow and Woodland, within the town of Topsfield in the county of Essex. Chap. 105.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

- Proprietors incorporated. That from and after the passing of this Act, all the proprietors of certain meadow and woodland lying in Topsfield, bounded as follows; beginning at Ipswich river by Garden Meadow ditch, so called; thence westerly by land of Robert Perkins, jun. and Joseph Batchelder, to the upland by land of Dudley Bradstreet, thence northerly by land of said Dudley Bradstreet, and heirs of Nathaniel Averell, Joseph Averell, heirs of Jacob Averell, Solomon Averell, and Daniel Averell, to land of Isaac Averell; thence easterly and northeasterly by land of said Isaac Averell and Asa Perkins to the river, and thence up, by and with said river to the ditch aforesaid, be, and they hereby are incorporated into a body politic, by the name of the Proprietors of the Hassocky and River Meadows in Topsfield, and by that name may sue and be sued, and do and suffer whatever other similar bodies politic may and ought to do and suffer.
- May sue and be sued. **SECT. 2.** *Be it further enacted,* That the said Ipswich river, where ever said meadow is bounded thereon, shall be, and hereby is made a legal fence.
- Boundaries. **SECT. 3.** *Be it further enacted,* That any Justice of the Peace in the county of Essex be, and he is hereby empowered and directed, upon application in writing from three or more of said proprietors, to issue his warrant to one of the proprietors aforesaid, requiring him to notify and warn a meeting of said proprietors, at such time and place as he shall judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of the warrant, with the notification thereon, at some public place in said Topsfield, and in the town of Hamilton in said county of Essex, seven days at least before the time for holding the meeting; and the said proprietors, when thus legally assembled, shall have power to choose a clerk, who shall be sworn to the faithful execution of that office, in the meeting, by the moderator, who is hereby authorized to administer the oath accordingly; and also to choose a committee or committees, field-drivers, assessors, collector or collectors of taxes, and treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; and the clerk of the corporation or any Justice of the Peace in the county of Essex, are hereby severally authorized to administer the oath to the above named officers, which officers chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or order of said corporation into full effect, as town officers of like description have by law; and said corporation shall, at their first meeting, agree and determine upon the method for calling future meetings; and said corporation shall at their first meeting, or at any other legal meeting called for the purpose, have power to vote and raise monies for the purpose of draining off any stagnant water from said meadow from time to time, as shall be found necessary, and to pay all other expenses that shall be found necessary for the better improving and management thereof; and all monies raised as aforesaid, shall be assessed upon each pro-
- Justice to issue warrant.
- Officers to be chosen.
- May raise monies.

prietor in proportion to the just value of such part of the meadow as he or she may own of the same; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after ninety days notice, so much of his or her meadow land shall be sold as will be sufficient to pay the same with legal cost, in the same way and manner as non-resident proprietors lands in this Commonwealth are sold to pay taxes.

SECT. 4. *Be it further enacted*, That said proprietors shall make and maintain their several proportions of the fence inclosing said general and common field, according to the number of acres they shall severally own of the same, to be apportioned in the same way and manner as is provided in a law passed February twenty-fourth, one thousand seven hundred and eighty-six, "concerning general and common fields," for apportioning and assigning to each proprietor his share of the general fence of the same. [Feb. 14, 1816.]

Fences apportioned.

(1785 ch. 53.)

An ACT authorizing the President, Directors and Company of the Springfield Bank to reduce the amount of their capital stock.

Chap. 110.

1813 ch. 90.

1814 ch. 1. 60.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the capital stock of the President, Directors and Company of the Springfield Bank shall be one hundred thousand dollars, the number of shares to be the same as at present established by law, and that the sum necessary to complete the said capital, shall be paid in by the first day of April next, any thing in the several Acts to which this is in addition to the contrary notwithstanding. [Feb. 14, 1816.] See 1817 ch. 54. 115.

Stock reduced.

An ACT to regulate the Fishery within the town of Middleborough in the county of Plymouth.

Chap. 111.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act it shall not be lawful for any person or persons (except as is hereinafter provided) to catch or destroy any of the fish called alewives within the limits of the town of Middleborough, or in Titicut river, so called, either within the limits of the towns of Middleborough, Bridgewater or Raynham; *provided* however, that it shall and may be lawful for the inhabitants of said town of Middleborough to catch said fish with scoop nets or set nets only at the following places in said Middleborough, to wit; at Oliver's works, (so called) three days in each week only, to wit, on Mondays, Tuesdays and Wednesdays, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; [at the Old Stone Ware four days in each week, to wit, on Tuesday, Wednesday, Thursday and Friday, beginning at midnight next preceding Tuesday, and ending at midnight next succeeding Friday;] and at Assawampset brook, three days in each week, to wit, Monday, Tuesday and Wednesday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; *provided* also that the said

Prohibition.

Proviso.

(Altered by
1819 ch. 137.)
Time for fishing.

Proviso.

town of Middleborough shall, at a legal town meeting, dispose of and grant upon such conditions, and under such restrictions and regulations as said town shall establish for that year, and so from year to year, the sole privilege of catching alewives with scoop nets or set nets only, on the days and at the places designated by this Act to such person or persons, as shall give most for the same, and give sufficient security for payment, such person or persons so purchasing to have the right to take fish, and no other person whatever.

Fines for stop-
ping fish.

SECT. 2. *Be it further enacted*, That if any person or persons shall, at any time or place other than those admitted by this Act, catch or destroy any of the fish aforesaid, or, by any other means whatever, shall interrupt, impede or hinder the passage of said fish up the streams, brooks and ponds within said town, or in Titicut river, which divides said town of Middleborough from the towns of Bridgewater and Raynham, or any of the waters connected therewith, within the limits of either of said towns, he or they shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, to be recovered by indictment, complaint, or action of debt, in any court proper to try the same; one half to the use of the said town of Middleborough, the other half to him who shall prosecute or sue for the same.

May seize nets.

SECT. 3. *Be it further enacted*, That if any person or persons be found fishing with any seine or net, or other machine and instrument, or any seine or other instrument which shall be used by any person or persons, contrary to the true intent and meaning of this Act, it shall be lawful for any person to seize and take such seine, net, or other instrument to his own use: and if prosecuted therefor, to plead the general issue and give this Act in evidence, as though the same had been specially pleaded.

Committee to
be chosen an-
nually.

SECT. 4. *Be it further enacted*, That said town of Middleborough shall, at the annual meeting in the month of March or April in each year, choose four or more persons, being freeholders in said town, whose duty it shall be to see that this Act be duly observed, and to prosecute for all breaches thereof; and each person, so chosen, shall be sworn to the faithful discharge of his duty: And if any person so chosen shall refuse to serve, he shall forfeit and pay, to the use of said town of Middleborough, the sum of five dollars, to be sued for and recovered by the town clerk of said town; and said town shall immediately proceed to a new choice.

Fines for neg-
lect of duty.

SECT. 5. *Be it further enacted*, That all laws heretofore made for the regulation of the fishery in the said town of Middleborough be, and the same hereby are repealed: *Provided*, nevertheless, that an Act passed on the sixth day of March, in the year of our Lord one thousand eight hundred and two, for the preservation and regulating the taking of fish called alewives, in the brook running from the west Quiticus pond, to the east Quiticus pond, shall be and remain in full force; any thing in this Act to the contrary notwithstanding.

Act repealed.
(1901 ch. 65.)

Exception.

SECT. 6. *Be it further enacted*, That any Justice of the Peace for the county of Plymouth shall be deemed and considered

competent to try any action, complaint, or suit, prosecuted under this Act, notwithstanding said Justice may be an inhabitant of the said town of Middleborough. [Feb. 14, 1816.] See 1819 ch. 137.

Justice may
try actions.

An Act in further addition to an Act, entitled, "An Act for establishing a corporation, by the name of The Sixth Massachusetts Turnpike Corporation."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Sixth Massachusetts Turnpike Corporation be, and they hereby are authorized and empowered to remove the gate now standing on said road in Rutland, to any place on said road which they may elect between the house of Levi Bartlett, in Rutland, and the Warner road, so called, in Holden.

Chap. 113.
1799 ch. 21.
(V. 2. p. 327.)
1799 ch. 71.
(V. 2. p. 373.)
1800 ch. 35.
(V. 2. p. 405.)
1804 ch. 72.
(V. 3. p. 506.)
May remove
gate.

SECT. 2. *Be it further enacted,* That the said corporation be, and they hereby are authorized and empowered to remove the gate now standing on said road in Holden, to any place on said road which they may elect in Shrewsbury; *provided that* the same be not placed at a distance of more than one mile, as the said road runs from the dividing line between the towns of Worcester and Shrewsbury. [Feb. 14, 1816.] Further acts—1817 ch. 31: 1820 ch. 26.

Proviso.

An Act to incorporate the Town of Southbridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the parts of the towns of Sturbridge, Charlton and Dudley, as contained and described within the following boundaries. be, and the same is hereby established as a separate town, by the name of Southbridge, viz. beginning at the south east corner, being a heap of stones on Connecticut line; thence running north, nine degrees west, eighty-nine rods, to the great monument, so called; thence continuing the same course four hundred and twenty rods further to a white oak tree marked, at the northeast corner of Sturbridge, projecting into Dudley; thence north, seventeen degrees east, five hundred and twenty rods to a stake and stones on the east line of Luther Ammidon's farm; thence north, thirty-one and an half degrees east, one hundred and two rods, to a black oak tree marked; thence north, five and an half degrees east, eighteen and a half rods, to said Ammidon's northeast corner; thence west, eleven degrees south, fifty-one rods to Eliakim Chamberlain's southwest corner; thence north one degree west, one hundred and three rods to a northwest corner of Eliakim Chamberlain's land; thence east nine and an half degrees north, forty rods; thence east eighteen degrees north, twenty-seven and an half rods to a southeast corner of said Ammidon's land; thence north two and an half degrees east, fifty-eight rods to another northeast corner of Luther Ammidon's land; thence west, eleven degrees south, thirty-two and an half rods to another southwest corner of said Chamberlain's land; thence north, twenty-three and an half degrees east, thirty-four and an half rods to a stake and stones; thence north thirty degrees east, fifteen rods to a stake and stones; thence west twelve degrees north, thirty rods to a

Chap. 116.

Boundaries.

poplar staddle on Calvin Ammidon's east line; thence north one and an half degrees west on said Calvin Ammidon's east line, and crossing a small pond, two hundred and twenty-seven rods to a stake on his north line in a cedar swamp; thence west fourteen and an half degrees south, forty-five and an half rods to Royal Ellis's southeast corner; thence west eleven and an half degrees south, forty-one rods to said Ellis's southwest corner; thence west thirty-one and an half degrees north, five hundred and eighty-eight rods to the southwest corner of Benjamin Doughty, jun's farm; thence west fifteen and an half degrees south, eighty-four rods to a stake and stones on Sturbridge east line; thence southerly on said line, one hundred and eighty-three rods to the southeast corner of Henry Fiske's land; thence west forty and one quarter degrees south, three hundred rods to the northwest corner of Captain Jacob Endicot's farm; thence south thirteen and an half degrees west, in his west line, one hundred and thirty rods to the middle of Quinebaug river; thence running up the middle of the river about four hundred and sixty-one rods to a stake and stones on the north side of the river; thence south twenty-six degrees west, three hundred and twelve rods to a stake and stones; thence south, thirty-eight degrees west, seven hundred and eighty rods to a stake and stones on Connecticut line; thence easterly on the north line of Woodstock, in Connecticut, about seventeen hundred rods, to the corner first mentioned, or described; containing twelve thousand four hundred and two and a half acres, including all the inhabitants within the above described lines or boundaries. And the said town of Southbridge is hereby vested with all the powers and privileges, and is also subjected to the same duties and regulations of other towns, according to the constitution and laws of this Commonwealth.

Taxes paid up.

SECT. 2. *Be it further enacted*, That the inhabitants and proprietors of land, in the said town of Southbridge, shall be holden to pay their proportion of all taxes already voted to be raised, and shall have been assessed at the time of passing this Act, by the towns of Sturbridge, Charlton and Dudley, and also to pay their proportion of all public debts due and owing by the said towns of Sturbridge, Charlton and Dudley, at the time of passing this Act.

Public arms.

SECT. 3. *Be it further enacted*, That said town of Southbridge shall be entitled to demand and receive of the said towns of Sturbridge, Charlton and Dudley, its proportion of all the town's public stock of arms, ammunition, legacies and bequests, or any other town property whatsoever, the said towns of Southbridge, Charlton and Dudley were possessed of, or entitled to, at the time of passing this Act. Said town of Southbridge is also to be entitled to the benefit of a certain bond given by Jedediah Marcy, deceased, to the inhabitants of the town of Charlton, for the purpose of supporting the Marcy bridge, (so called) within said town of Southbridge, for a certain time in said bond expressed.

Town poor.

SECT. 4. *Be it further enacted*, That the inhabitants of the said town of Southbridge shall support and maintain all such

persons, as heretofore have been, now are, or hereafter may be, inhabitants of those parts of Sturbridge, Charlton and Dudley, hereby incorporated, and are or may become chargeable, according to the laws of this Commonwealth, and who have not obtained a settlement elsewhere therein.

SECT. 5. *Be it further enacted*, That any justice of the peace for the county of Worcester, is hereby authorized to issue his warrant, directed to a freeholder of said town of Southbridge, requiring him to notify and warn the inhabitants to meet at such convenient time and place as may be appointed in said warrant, for the choice of such officers as towns are by law required to choose, or appoint, at their annual town meeting in March or April. [Feb. 15, 1816.]

Justice to issue warrant.

An ACT to authorize the town of Chelsea to erect certain Mills therein.

Chap. 118.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Chelsea be, and they are hereby authorized and empowered to build a Dam across a creek or river in said town, called Mill river, at or near the Poor-house in said town, and to erect and build suitable Grist Mills thereon, and to sell and lease the same Mills for such consideration, and on such conditions as they think proper.

Powers granted.

SECT. 2. *Be it further enacted*, That the inhabitants of said town be, and they are hereby authorized to raise such a sum of money, as, at any town meeting, legally warned for this purpose, shall be voted to be raised for the purpose of building said Dam and Mills, and for the payment of all damages which may be sustained by reason of the erection of said Dam and Mills, and for the proper management of the same; and the Assessors of said town, for the time being, may issue their warrants to collect the same; and the said town, and all town officers, may proceed therein in all respects, as in the assessment and collection of other town taxes: *Provided always*, That the inhabitants of said town shall be holden to indemnify all individuals having a right by prescription, or otherwise, to erect a Mill on said river, for such damage as they may sustain by reason of the erection of the Dam aforesaid. [Feb. 15, 1816.]

Assessment to be made.

Proviso.

An ACT to regulate the Fishery in Taunton Great River.

Chap. 119.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the twentieth day of March next, it shall not be lawful for any person or persons (except as is hereinafter provided) to catch Alewives, or any other fish with seines or nets in Taunton great river; *Provided*, That it shall and may be lawful, for the inhabitants of the several towns situated on said river, to catch Alewives and other fish within the bounds of their own towns, and no where else, with seines or nets, four days in each week, only; to wit, on Monday, Tuesday, Wednesday and Thursday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Thursday in each week; and *provided* that the towns of Dighton and Wel-

Repealed 1818 ch. 106, (except as to Middleborough.)

General regulation.

lington shall draw or sweep with two seines or nets only; the town of Berkley shall draw or sweep with two seines or nets only; the town of Taunton shall draw or sweep with three seines or nets only; the town of Raynham shall draw or sweep with two seines or nets only; and the town of Somerset shall draw or sweep with three seines or nets only, in said river, within the time before mentioned; and no person shall be permitted at any time to set any seine or net across said river, or in any part thereof, or in any waters connected with the said river, or make use of any seine or net of more than twenty rods in length; *Provided also*, that each of said towns shall at a legal town meeting, establish annually the places where the said seines or nets may be used within the bounds of the respective towns exclusively, and at the same meeting or an adjournment thereof, dispose of and grant for that year, and so from year to year, the sole privilege of catching Alewives, or other fish with seines or nets on the days above mentioned, at the places so established, to such person or persons, as shall give the most for the same, and give sufficient security for payment at such time and in such manner as the respective towns shall order such person or persons, so purchasing the privilege, to have right to fish, and no other person whatever.

Proviso.

Penalties.

SECT. 2. *Be it further enacted*, That if any person or persons shall draw any seine or net on any day or time other than those before mentioned, or at any place other than those established by the town, as aforesaid, or shall on any day or at any place, set a seine or net in or across said river, or any part thereof, or in any waters connected with the same, he shall forfeit and pay fifty dollars for each and every such offence, to be recovered by indictment or information, or by action of debt, in any court proper to try the same; the one half thereof to the use of the poor of the town where the offence shall be committed, and the other half to him or them who shall prosecute or sue for the same.

May seize nets.

SECT. 3. *Be it further enacted*, That if any person or persons shall be found sweeping with any seine or net, or if any seine or net shall be used by any person or persons contrary to the true intent and meaning of this act, it shall and may be lawful for any person or persons to seize and take such seine or net to his or their own use, and if prosecuted therefor, to plead the general issue, and give this act in evidence as though the same was specially pleaded.

Committee to be chosen.

SECT. 4. *Be it further enacted*, That the several towns aforesaid, shall at their annual meetings in the month of March or April in each year, choose three or more persons being freeholders in their respective towns, whose duty shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person so chosen shall be sworn to the faithful discharge of his duty; and the several towns shall be holden to make a reasonable compensation to the persons so chosen by them respectively for all necessary services in discharge of their duty under this act. And if any person so chosen shall refuse to serve, he shall forfeit and pay to the use

Fines.

of the town to which he belongs, the sum of ten dollars, to be sued for and recovered by the Town Clerk; and the said town shall immediately proceed to a new choice.

SECT. 5. *Be it further enacted*, That if any person or persons convicted of any of the offences aforesaid by indictment or information, shall fail to pay the costs, or any part thereof, of the process on which he or they shall be convicted, so that the county in which the conviction takes place shall be chargeable with such costs, the several towns aforesaid shall reimburse to the said county the same costs in the following proportions, to wit:—The town of Taunton three seventh parts, and the towns of Dighton and Wellington, two seventh parts, and the town of Berkley two seventh parts thereof, to be apportioned and charged by the County Treasurer to the said towns respectively, and to be assessed by the Assessors of the said town with other town charges.

SECT. 6. *Be it further enacted*, That all laws heretofore made for the regulation of the Fishery in Taunton great river, be, and the same are hereby repealed. [Feb. 15, 1816.]

AN ACT to alter and change the Names of several Persons therein mentioned.

Chap. 122.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, Isaiah Atkins of Boston, in the county of Suffolk, gentleman, shall be allowed to take the name of Isaiah Strong Atkins; that John S. Carter of the same Boston, merchant, shall be allowed to take the name of John Sigourney Carter; that Samuel Davis of Boston aforesaid, son of Rufus Davis of Quincy, in the county of Norfolk, shall be allowed to take the name of Samuel S. Davis; that George Foster, son of Samuel Foster of said Boston, merchant, shall be allowed to take the name of George Reginald Foster; that Henry Gray, a minor, and son of Silvanus Gray of the same Boston, merchant, shall be allowed to take the name of Henry Gallison Gray; that John Loring of Boston aforesaid, son of the late Dr. John Loring of the same place, shall be allowed to take the name of John James Loring; that John Long of said Boston, trader, son of John Long formerly of Oakham, in the county of Worcester, yeoman, shall be allowed to take the name of John W. Long; that Daniel Farrar Melony, of the same Boston, mariner, shall be allowed to take the name of Daniel Farrar; that Ebenezer Wells Ramsay of Boston aforesaid, shall be allowed to take the name of Ebenezer Wells; that Thomas Rice of the same Boston, merchant, son of the Rev. Asaph Rice of Westminster, in the county of Worcester, shall be allowed to take the name of Thomas Kinsey Rice; that Thomas Smith, a minor, and son of William Smith, Esq. of Boston aforesaid, shall be allowed to take the name of Thomas Carter Smith; that Sally Shannon Goodhue, daughter of Samuel Goodhue, of Newburyport, in the county of Essex, shall be allowed to take the name of Susan Adams Goodhue; that Henry Small of the same Newburyport, gentleman, shall be allowed to take the name of Henry Small Ellenwood; that

Persons changing their names.

Jacob Jewett, jun. of Rowley, in said county of Essex, shall be allowed to take the name of Jacob Clark Jewett; that Harvey Richmond of Worthington, in the county of Hampshire, shall be allowed to take the name of Harvey Metcalf; that Job Kittridge of Hinsdale, in the county of Berkshire, shall be allowed to take the name of William Kittridge; that Isaiah Atkins of Roxbury, in the county of Norfolk, gentleman, son of Samuel Atkins of Truro, in the county of Barnstable, shall be allowed to take the name of Isaiah Malcomb Atkins; that John Batista, of Cohasset in said county of Norfolk, mariner, shall be allowed to take the name of John Barker; that Robert Dunlap, 2d of Brunswick, in the county of Cumberland, shall be allowed to take the name of Robert Pinckney Dunlap; that Jesse Barrows of Fryburg, in the county of Oxford, son of Deacon William Barrows of Hebron, in the same county, shall be allowed to take the name of John Stuart Barrows; that David Fales, 3d, of Thomaston, in the county of Lincoln, Esq. son of David Fales, Esq. of the same Thomaston, shall be allowed to take the name of David Samuel Fales; and the several persons before named, from the time of the passing of this Act, shall be called and known by the names which, by this Act, they are respectively allowed to take and assume as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [Feb. 15, 1816.]

Chap. 128.

AN ACT to incorporate the town of Enfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all the lands in the towns of Greenwich and Belchertown, which are comprised within the limits of the South Parish of the town of Greenwich, as they are now settled and established, according to the provisions of an act, entitled “An act to divide the town of Greenwich into two Parishes, and for including the north-east corner of the town of Belchertown in the South Parish,” passed on the twenty-first day of June, in the year of our Lord one thousand seven hundred and eighty-seven; and an act in addition thereto, passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-two; together with the farm of Robert Hathaway in said Greenwich, with all the inhabitants dwelling thereon, be, and they hereby are incorporated into a town by the name of Enfield, and vested with all the powers and privileges, rights and immunities, and subject to all the duties and requirements of other towns, within this Commonwealth.

SECT. 2. *Be it further enacted,* That the inhabitants of the said town of Enfield shall be holden to pay all arrears of taxes, which have been assessed upon them by the towns to which they belonged before the passing of this act; and shall also be holden to pay their proportion of all taxes already voted to be raised or assessed by said towns of Belchertown and Greenwich; also such proportion of the expense of supporting the poor, now supported by the town of Belchertown, as the pro-

Town incorpo-
rated.

1787 ch. 2.
(V. 1. p. 162.)

(Altered by
1813 ch. 34.)

Regulation of
taxes.

party of the inhabitants by this act set off from the said Belchertown, bears to the whole property of said town, during the lives of the present paupers; and the same may be assessed and collected in the same manner as if this act had never passed; and the expence of supporting the present paupers of the town of Greenwich, shall be divided between the towns of Greenwich and Enfield, in proportion to the present valuation of estates of the inhabitants of said town of Greenwich.

SECT. 3. *Be it further enacted*, That of all State and County taxes, which, shall, previous to a new valuation, be required of the said towns of Greenwich and Belchertown, the said town of Enfield shall pay their just proportion, according to the last assessment of taxes in the said towns respectively. Taxes apportioned.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Hampshire be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant of said town of Enfield, requiring him to notify the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as may be expressed in said warrant, to elect such officers as towns are by law authorized to choose in the months of March or April annually; and that the said Justice be, and he is hereby authorized and empowered to preside at said meeting during the election of a Moderator, and to exercise all the powers, and perform all the duties which Town Clerks have and perform in the election of a Moderator of town meetings. [*Feb. 15, 1816.*] Add. act 1813 ch. 34. Justice to issue warrant.

AN ACT to establish the Massachusetts Society for the Encouragement of Manufactures. Chap. 129.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Richardson, of Dedham; Samuel Crocker, of Taunton; Francis C. Lowell and Charles Davis, of Boston; Josiah J. Fisk, of Wrentham; Lyman Tiffany, of Medway, and Eli Richardson, of Franklin, and those who now are, or hereafter may be associated with them, be, and they hereby are constituted a body politic and corporate, by the name of The Massachusetts Society for the encouragement of Manufactures; and by that name may sue, and be sued, and have and use a common seal, and the same to break, alter and renew at pleasure; and do and suffer all things appertaining to bodies politic and corporate; and may make and execute such by-laws, rules and regulations, and elect such officers, as the members thereof may judge necessary for its government: *Provided*, such by-laws shall not be repugnant to the Laws of this Commonwealth. Persons incorporated. Proviso.

SECT. 2. *Be it further enacted*, That said Corporation be, and it is hereby made capable of holding real and personal estate of any description, and of disposing of the same: *Provided*, the annual income thereof shall not exceed the sum of ten thousand dollars. May hold real estate.

SECT. 3. *Be it further enacted*, That the powers of said Corporation be limited to the promotion and encouragement of Powers limited.

the manufacture of cotton and wool, by collecting and preserving useful books and models of machinery, and communicating new inventions and improvements in the manufacture of cotton and wool, to the manufacturers thereof in this Commonwealth. [Feb. 15, 1816.]

Chap. 132.

An ACT to incorporate the Middleborough Canal Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abiel Washburn, Thomas Weston, Levi Peirce and Horatio G. Wood, their associates and successors, shall be, and are hereby incorporated, and made a body politic, by the name of the Middleborough Canal Company, for the purpose of opening, maintaining and managing a Canal from the northerly part of Assawampset pond to unite with Nemasket river, between said pond and Vaughn's bridge, so called, in Middleborough, in the county of Plymouth, in such manner and direction, as shall be most convenient for drawing the water from the said pond: and by the name aforesaid may sue and be sued, and shall have a common seal, and enjoy all the privileges and powers, incident to similar Corporations, and for the purposes aforesaid, may take, use, possess and enjoy in fee simple any lands necessary to carry into effect, and complete the same, paying therefor in manner hereafter prescribed: *Provided, however,* that the petitioners, in opening such Canal, do not cause any additional obstruction or lessen the passage way through which the water now runs from said pond, in a canal opened upon the lands of Samuel Jackson and others; but if the present Canal shall be made wider, or deeper than it now is, said Corporation may place such obstructions as they please on the increased width, or depth, leaving the present passage way as wide and deep, as the same now is.

Proviso.

Referees to be appointed.
Proviso.

Jury trial.

SECT. 2. *Be it further enacted,* That in case the owner or owners of any lands which shall be taken for the purposes aforesaid, and the Corporation cannot agree upon the amount of damages thus occasioned, nor upon some person or persons to estimate the sum, in such case some person, or persons shall be appointed by the Circuit Court of Common Pleas for the county of Plymouth, and the determination of the referees so appointed shall be the measure of such damage: *Provided, nevertheless,* that if the other party shall be dissatisfied with the award of the referees aforesaid, and shall, at the next term of said Court, after the report of said referees shall be made, apply for a trial by jury, said Court shall have power to determine the same by jury, in the same manner in which other causes are determined; and if the verdict of the jury shall not give to the party applying, a larger sum than the referees shall award aforesaid, then the Court shall award cost against the party applying; but if the last decision shall be more favorable to the party applying than the decision of the referees, then the Court shall award costs to the applicant, and the Court shall render judgment and issue execution accordingly.

SECT. 3. *Be it further enacted,* That if any person or per-

sons, shall wilfully take up, remove, break down, dig under, or in any other manner destroy, or injure the Canal aforesaid, or any dam, lock, gate, or other works erected thereon, or shall divert, or obstruct the water running to, through or from said Canal, or in any other manner interrupt said Corporation in the free and full use of the same, and the waters flowing therein; he or they shall, for every such offence, forfeit and pay to said Corporation, double the value of damage sustained thereby, by said Corporation, to be recovered in an action of trespass, in any Court proper to try the same; and such offender or offenders shall be liable to indictment by the grand jury of said county, and on conviction thereof before the Circuit Court of Common Pleas for the county of Plymouth, or the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than fifty dollars, nor less than five dollars, or be imprisoned, not more than two months, nor less than ten days, at the discretion of the Court before whom such conviction shall be had.

Fines for damages.

SECT. 4. *Be it further enacted*, That upon the application of the said proprietors, or any three of them to any Justice of the Peace for the county of Plymouth, such Justice is hereby empowered to issue his warrant directed to one of said proprietors, requiring him to notify and warn his associates to meet at such time and place in said town of Middleborough, as shall be directed in said warrant, who when met may agree upon a method of calling future meetings of said proprietors, and consult and transact such other business of said propriety as shall be expressed in said warrant. [*Feb. 16, 1816.*]

Justice to issue warrant.

AN ACT to incorporate the Atherton Manufacturing Company.

Chap. 3.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Rufus Atherton, Samuel Atherton, Sylvester Claflin, George F. Jenks, Nathaniel Ide, Asa Perrin, Samuel Sandford, Comfort Barrows, Elkanah Briggs, Daniel Claflin, Dexter Bishop, Calvin Claflin, Stephen Bourn, Eli Bourn, John Smith, Alanson Burt, George Jenks, Otis Perrin, David Cummings, Benjamin Cummings, Daniel Claflin, jun. Ona Carpenter, Levi Read, Sylvanus Newman, Siba Carpenter, George B. Richards, and Noah Claflin, jun. together with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Atherton Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Attleborough, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1809 ch. 65.)

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value

May hold real estate.

of thirty thousand dollars, and such personal estate not exceeding the value of seventy thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactures aforesaid, in said town of Attleborough. [June 14, 1816.]

Chap. 7.

An ACT to incorporate The Southbridge Factory Company.

Persons incorporated.

(1808 ch. 65.)

May hold real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jeremiah Shumway, Benjamin F. Shumway, Joseph Marcey, Timothy Paige, jun. and Reuben Harrington, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Southbridge Manufacturing Company, for the purpose of manufacturing wool in the town of Southbridge, in the county of Worcester; and for the purpose aforesaid, shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an act, entitled, "An act defining the general powers of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted,* That the said Corporation, in their corporate capacity, shall and may lawfully hold and possess real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory of wool in said town of Southbridge. [June 15, 1816.]

Chap. 9.

An ACT incorporating the Cummington Woollen Manufactory.

Persons incorporated.

(1808 ch. 65.)

May hold real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa Gurney, jun. James Claghorn, Robert Dawes, Darius Ford, and Robert Dawes, jun. together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of The Cummington Woollen Manufacturing Company, for the purposes of manufacturing woollen cloth and yarn in the town of Cummington, in the county of Hampshire; and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SECT. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty-thousand dollars, and personal estate, not exceeding the value of seventy thousand dollars, as may be convenient and necessary for carrying on the manufacture of woollen cloth and yarn, in said town of Cummington. [June 15, 1816.]

An ACT to incorporate The Cummington Cotton Manufactory.

Chap. 12.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa Gurney, jun. Eliphalet Packard, and Chester Packard, together with such others as have associated or may hereafter join and associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Cummington Cotton Manufacturing Company, for the purpose of manufacturing cotton, in the town of Cummington, in the county of Hampshire; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An act, defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate, not exceeding the value of seventy thousand dollars, as may be convenient and necessary for carrying on the manufacture of cotton, in said town of Cummington. [June 17, 1816.]

May hold real and personal estate.

An ACT extending the time allowed the Trustees of the Nantucket Bank to close their concerns.

Chap. 17.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of two years from the first Monday of October next, be granted and allowed to the Trustees of the Nantucket Bank, for the sole purpose of enabling said Trustees gradually to settle and close their concerns, and divide their capital stock, they conforming in all respects, to an act passed June the twenty-fourth, one thousand eight hundred and twelve, entitled "An act to enable certain Banks in this Commonwealth to settle and close their concerns." [June 17, 1816.] Further act—1818 ch. 24.

(1812 ch. 57.)

An ACT to incorporate the First Baptist Society in Barre.

Chap. 21.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Job Sibley, Daniel Harwood, Elias Chase, James Adams, Palmer Adams, William How, Jesse Harwood, James Newcomb, David Wadsworth, Asa Newell, Abner Harwood, Warren Sibley, Charles Sibley, Solomon W. Davis, Jason Fiske, Isachar Adams, Charles Newcomb, Henry Brigham, jun. Hartshorn Marsh, Jacob Waite, Isaac Follett, James Conant, Amos Clark, Wilcut Harwood, William Henry, Caleb Harwood, Forbes Hinds, Silas Knight, jun. Cyrus Varney, Jonas Underwood, David Knight, Joel Bacon, Schuyler Adams, Simeon Metcalf, Samuel Sibley, jun. together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in Barre, with all the privileges, powers and immunities which parishes in this Commonwealth by law enjoy.

Persons incorporated.

SECT. 2. *Be it further enacted,* That any person who may at

any time hereafter, actually become a member of, and unite in religious worship with said Baptist Society, and give in his or her name to the Clerk of the parish to which he or she did heretofore belong, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said Baptist Society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Conditions of
becoming
members.

SECT. 3. *Be it further enacted*. That when any member of said Society shall see cause to leave the same and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the Baptist Society aforesaid, signed by the Minister or Clerk of the parish or other Society, with which he or she may unite, that he or she hath actually become a member of and united in religious worship with such other parish or religious Society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she may so unite.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace within and for the county of Worcester, on the application of any three of the persons aforesaid in the first section of this act, be, and hereby is authorized to issue his warrant to one of said applicants, requiring him to warn the members of said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Barre, to choose such parish officers as are by law required to be chosen in the months of March or April annually, and to transact all other matters and things necessary to be done in said Society. [June 17, 1816.]

Chap. 22.

An ACT to incorporate the Franklin Charitable Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Alvord, second, Hooker Leavitt, and George Grennell, jun. Esquires, the Reverend Titus Strong, Messrs. Thomas W. Ripley, Franklin Ripley, Thaddeus Coleman, Patrick Welles, John Denio, Ebenezer Newcomb, jun. and Ansel Phelps, together with such others as may be admitted members of the Corporation hereby created according to the by-laws to be adopted by the present members thereof, be, and they hereby are incorporated into a Society, by the name of The Franklin Charitable Society, and by that name shall be a Corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to

sue and be sued, to establish by-laws and orders for the regulation of said Society, and the preservation and application of the funds thereof, to take, hold and possess any estate real or personal by subscription, gift, grant, purchase or otherwise, and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution; *provided* the said by-laws be not repugnant to the Constitution and Laws of this Commonwealth; and the value of the said estate shall never exceed five thousand dollars, and the funds of the said Society shall be always improved and appropriated to benévolent and humane purposes only.

May hold real estate.

Proviso.

SECT. 2. *Be it further enacted*, That the time and place of the first meeting of said Society may be appointed by Hooker Leavitt, Esqr. by his giving personal notice thereof to all the members named in this act, seven days, at least, before the time of such meeting; and at such meeting, the said Society may agree upon their mode of calling future meetings, and establish by-laws to regulate their said Society. [June 17, 1816.]

Meetings.

An Act to incorporate the Proprietors of Liverpool Wharf, in the town of Boston. Chap. 23.

WHEREAS sundry persons have become purchasers of a certain real estate, situate in Boston, in the county of Suffolk, bounded and described as follows, viz. northwestwardly on Purchase-street, and there measuring two hundred and eighty-four feet more or less; southwestwardly on land of Henderson Inches, Esq.; southeastwardly on the channel, or lowest boundary towards the sea, and there measuring two hundred and eighty-five feet more or less; northeastwardly on land now or late of the heirs of Daniel Ingersoll, from Purchase-street to the channel, together with all the wharves, docks, rights of way, buildings and privileges and appurtenances thereof; and the said purchasers have petitioned this Court, that they may be incorporated, for the purpose of enabling them the better to manage and improve their said estate:

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Tucker, Ebenezer Stocker, Daniel Hastings, and Amos Binney, all of Boston aforesaid, and their associates, successors and assigns be, and they hereby are constituted a body politic and corporate, by the name of The Proprietors of Liverpool Wharf; and the said Corporation by the said name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of said estate, consistent with the Laws of the Commonwealth; and generally to do and execute whatever by-law shall appertain to bodies politic: *Provided always*, that nothing herein contained shall be construed into any confirmation or acknowledgment of title in the said associates or Corporation, or into any grant or authority to extend the dimensions of said wharf.

Persons incorporated.

May sue and be sued.

Proviso.

SECT. 2. *Be it further enacted*, That the said Corporation be, and hereby is declared capable to have, hold, and possess all the said real estate, with the appurtenances thereof; *provided* the lawful proprietors thereof shall legally convey the same to said Corporation; and the said Corporation shall have power to sell, grant, and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the limits aforescribed, and to lease, manage, and improve the same according to the will and pleasure of the said Corporation to be expressed at any legal meeting.

May sell or
alien corporate
property.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares not exceeding five hundred in number, as the said Corporation may find to be most expedient; and said shares shall be divided among the several proprietors according to the interest and portions, which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President of the Corporation, and issued to the proprietors accordingly; and the shares in said Corporation shall be transferable by endorsement on the back of said certificates; and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the Corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

Shares.

SECT. 4. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess such sums of money, as may be deemed necessary for rebuilding or repairing any buildings, wharves, or other property of said Corporation, or necessary for the building any new wharves or tenements within the aforesaid limits; or for the improvement and good management of the corporate estate agreeably to the true intent and meaning of this act; and in case any proprietor shall refuse or neglect to pay any assessment, the said Corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

Assessments.

SECT. 5. *Be it further enacted*, That the corporate property which the said corporation shall have and hold at any one time in virtue of this Act, shall not exceed in value the sum of two hundred thousand dollars. And in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation; *provided always*, that no one member shall ever be entitled to more votes than shall be equal to one fourth part in value of the corporate property: *And provided further*, That no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds

Shares.

Votes.

at least in number and value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose of such meeting by publication thereof in one or more newspapers printed in Boston.—Proprietors may appear and act at any meeting by proxy in writing.

SECT. 6. *Be it further enacted*, That either of them, the said Meetings.
Tucker, Stocker, Hastings and Binney may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may at such, or any other meeting, agree on the mode of calling future meetings; and shall elect a president and clerk, and may elect all such other officers as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove as said corporation shall see fit. [June 17, 1816.]

An Act incorporating William Bartlet and others, by the name of The Merrimack River Association. Chap. 27.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Bartlet, Moses Brown, John Pettingel, David Persons incor-
How, Thomas Kittridge, John Greanleaf, Ebenezer Wheel-
wright, Stephen Howard, Thomas M. Clark, John Pearson, incorporated.
Anthony Davenport, Moses Davenport, Thomas Carter, Joshua Carter, Abner Wood, John Wood, Jonathan Gage, Edmund Kimball, Isaac Adams, Peter Le Breton, Ebenezer Moseley, William B. Bannister, Edward S. Rand, their associates and successors, are hereby incorporated, and shall be a corporation forever, under the name of The Merrimack River Association, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers and privileges, which are by law incident to corporations of a similar nature.

SECT. 2. *Be it further enacted*, That William Bartlet, Moses Meetings call-
Brown and John Pettingel, or any two of them, are hereby au-
thorized to call a meeting of the members of said Association, ed.
as soon as may be, at Newburyport, in the county of Essex, by advertising the same in the newspapers, printed in Newbury-
port and Haverhill, fourteen days at least, previous to the
holding of said meeting, for the purpose of electing a clerk,
treasurer and such other officers as they may judge necessary,
for ordering and regulating the business and affairs of said cor- Meetings regu-
poration; to agree on the mode of calling future meetings, and lated.
to do and transact such matters and things, as shall then and
there be thought proper, relating to said corporation; and
every proprietor who shall subscribe to the amount of twenty-
five dollars, for the purposes of the corporation, shall be entit-
led to a vote in the proprietors' meetings, in person or by re-
presentation under a special appointment in writing, and one Votes.
additional vote for every hundred dollars so subscribed; and
this Act and all rules and regulations and votes of said corpo-

Clerk's records. ration shall be fairly and truly recorded by the said clerk, in a book to be kept for that purpose; and the said proprietors, at any legal meeting, may make and agree upon all such rules, regulations and by-laws, (not repugnant to the laws of this Commonwealth) as they may deem necessary and expedient, for the management of their concerns, and the completion of the object of their incorporation.

Locks. SECT. 3. *Be it further enacted*, That the said corporation be, and they are hereby authorized to erect such a number of locks as may be found necessary for the more easy and convenient navigation of the said river; and for that and other purposes of the corporation, to take, occupy and enjoy in fee simple, any lands adjoining the said river, necessary for their purposes, they paying therefor in manner hereafter provided.

Damages made good. SECT. 4. *Be it further enacted*, That if any person shall suffer any damage by means of the said corporation appropriating any of his, or her property, or lands, for the above purposes, and the parties cannot agree upon the amount of the value of the damages thus occasioned nor upon some suitable person or persons to estimate the same, then three disinterested persons shall be appointed by the Circuit Court of Common Pleas, with the session justices associated with said court, and having jurisdiction in the several and respective counties of Essex and Middlesex, in cases happening in those counties respectively, whose award shall be the measure of damage; *provided nevertheless*, that if either party shall be dissatisfied with the award of the referees appointed as aforesaid, and shall at the same session at which the report shall be made, apply to the Court for a jury, the said Court is empowered to hear and finally determine the same by a jury, under oath, to be summoned by the sheriff or his deputy, for that purpose, if the party complaining desire the same; or by a committee, if the parties can agree therein; and if the jury or committee, agreed upon as aforesaid, (who are to be under oath) shall not give the party applying a larger sum than the referees have awarded as aforesaid, then the Court shall award costs against the party applying; but if the last decision shall be more favourable to the party applying than the decision of the referees, then the Court shall award costs against the party not applying; and the Court shall render judgment and issue execution thereon accordingly: *Provided* that no part of the jury to be summoned as aforesaid, shall be taken from the town, in which the owner of the property lives, or the lands are situated.

Sum limited. SECT. 5. *Be it further enacted*, That no member of said corporation shall be compelled to pay for the purposes of said corporation any greater or larger sum, than the sum he shall actually subscribe. [June 19, 1816.] See 1819 ch. 51.

Chap. 30.

An Act to prevent the taking of Fish in a pond, (called Winchel's pond) in Egremont, in the county of Berkshire.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, no person or persons shall be allowed to put or draw any seine or seines, or

put or set any net or nets whatsoever in the pond (called Winchel's pond) in the town of Egremont, in the county of Berkshire, for the taking of Fish, called Pickerel; and any and every person, who shall presume to take any fish, called pickerel, with any seine or net from the said pond, shall incur and pay a penalty of ten dollars for every such offence, and the seine or net shall be forfeited to the said town of Egremont, as also all the fish so taken, to be at the disposal of the selectmen of said town.

Penalty.

SECT. 2. *Be it further enacted*, That no person or persons shall be allowed to take from said pond in any way whatsoever, any of the said fish, called pickerel, for the term of one year from the passing of this Act; and any and every person, who shall presume to take in any way whatsoever from said pond, any of the said fish, called pickerel, within the said year, shall incur and pay a penalty of five dollars for every such offence.

Specific fine.

SECT. 3. *Be it further enacted*, That all penalties incurred by any offence against this Act, may be sued for and recovered in an action of debt, by the treasurer of the said town of Egremont, for the time being, before any justice of the peace in said county of Berkshire, who does not belong to the town of Egremont aforesaid; and all sums of money, so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against this Act or any part thereof, and thereby incur any of the penalties aforesaid, the parent, master, or guardian of such minor or minors shall be answerable therefor; in which cases the action shall be commenced against such parent, master or guardian (as the case may be) of such minor or minors respectively, and judgment rendered accordingly in the same manner and degree as for his or their personal offence. [June 19, 1816.]

Appropriation of fines.

An ACT to authorize John Breed to build a Bridge from Belle Island to Chelsea. Chap. 31.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Breed, of Boston, (the proprietor of Belle Island) and his heirs and assigns be, and they hereby are authorized and empowered to build and keep in repair, at all times, a Bridge convenient for the accommodation of the proprietors of Belle Island, from the westerly part of said Island to the hard land in Chelsea, at a point in the farm of Samuel Cary, Esq. late of said Chelsea, deceased.

Location.

SECT. 2. *Be it further enacted*, That said Bridge shall be built with a draw, not less than fifteen feet wide, made of suitable materials, and conveniently placed for the accommodation of such vessels as may have occasion to pass between said Island and Chelsea. And the owner or owners, proprietor or proprietors of said Bridge, at his and their own expense, shall at all times, when necessary, have said draw raised for the convenient passing of vessels through the same; and in case any vessel about to pass said Bridge shall be detained at the draw more than one hour, the proprietor or proprietors of said Bridge shall forfeit and pay to the owner or owners of such

Shall have draw.

vessel a sum not less than three dollars, nor more than ten dollars, to be recovered by action of debt in any court proper to try the same, and shall also be liable to pay all damages, which the owner or owners of such vessel shall or may sustain by reason of such detention, to be recovered in an action of the case in any court proper to try the same; and if the said John Breed, his heirs and assigns shall, for the space of three years, from the passing of this Act, fail or neglect to erect said Bridge, then this Act shall be null and void. And if the said Bridge shall be erected within said term of three years, then the Legislature reserve the right to repeal this Act after the expiration of twenty years from the time of passing the same. [June 19, 1816.]

Chap. 32.
1811 ch. 23.

An ACT in addition to an act, entitled, "An act to incorporate John L. Sullivan and others, by the name and style of The Merrimack Boating Company."

Section of Act
repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of the fourth section of the act, entitled, "An act to incorporate John L. Sullivan and others, by the name and style of the Merrimack Boating Company," as limits the number of shares to one hundred, be, and hereby is repealed, and that the property of the Corporation be divided into four hundred shares.

Mesne process.

SECT. 2. *Be it further enacted,* That in any action to be brought, or in any judgment to be rendered against said Corporation, the plaintiff or adverse party, not being able to find sufficient property of the corporation to attach on mesne process or whereon to levy his execution, shall have the right of attaching on mesne process, or of levying his execution on any of the property of the individual members of the Corporation, in the same manner as though the action had been brought on the judgment rendered against them in their private and individual capacity.

Section of Act
repealed.

SECT. 3. *Be it further enacted,* That the fifth section of the act to which this is in addition, be, and the same hereby is repealed; and also that so much of the first section of the said act, to which this is in addition, as limits the Corporation to the term of twenty years from the twenty-first day of June, in the year of our Lord one thousand eight hundred and eleven, be, and hereby is repealed. And that the said John L. Sullivan, his associates and successors, be, and hereby are a Corporation, for the purposes in said act mentioned, so long as the Middlesex canal shall be kept open and in operation, and no longer. [June 19, 1816.]

Chap. 34.
1805 ch. 58.
1807 ch. 93, 94.
1808 ch. 49.
1815 ch. 24.

An ACT in addition to the several acts for establishing the Housatonic Turnpike Corporation, and the Hudson Turnpike Corporation.

Gates removed.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Housatonic Turnpike Corporation and the Hudson Turnpike Corporation be, and they hereby are empowered to remove the two half toll gates of the said Corporation, which are now situated about one mile west of Dwight's Mills, in the town of West Stockbridge, in the county of Berkshire, and to

erect in lieu thereof, one half toll gate at any convenient place to be chosen by the said Corporation, east of the road leading from Great Barrington to the village of West Stockbridge, and between the place where said road connects with the Housatonic Turnpike road and the foot of West Stockbridge Mountain, so called, any thing in the act defining the general powers and duties of Turnpike Corporations, to the contrary notwithstanding: *Provided always*, that all persons who may pass said gate either from the town of Stockbridge to Dwight's Mills, or from West Stockbridge to the Mills now owned by Elijah Brown, jun. and Company, or to Curtis' Mills, whose sole object shall be to obtain grinding at either of said Mills, shall be permitted to pass and re-pass said gate free of toll, together with their horses and carriages for the purpose aforesaid; *and provided also*, that the inhabitants of the town of Lenox, passing and re-passing between Lenox and West Stockbridge, and going no further west on said Turnpike road than Dwight's Mills aforesaid, and also that the inhabitants of the towns of Egremont, Alford, Great Barrington and West Stockbridge, going to or returning from any of the Judicial Courts, in Lenox, in said county, shall pass and re-pass said gate with their horses and carriages free of toll, until a county road shall be opened from the village in West Stockbridge, at said Dwight's Mills, in a direction towards the Court-House, in said Lenox; *and provided also*, that all persons exempt from paying toll by the fifth section of the act defining the general powers and duties of Turnpike Corporations be, and they hereby are exempted from paying toll at the half toll gate, by this act authorized to be erected; *and provided also*, that all persons living in West Stockbridge, owning lands east of the place where said half toll gate may be erected, between said gate and the top of the West Stockbridge Mountain, so called, shall be permitted to pass and re-pass to and from their lands aforesaid, free of toll, and also all persons, with their horses and carriages, who live eastward of the place where the said gate may be erected, and west of the foot of the Stockbridge Mountain, so called.

Proviso.

Further proviso.

Further proviso.

Further proviso.

SECT. 2. *Be it further enacted*, That each and every person that shall falsely or fraudulently claim the benefit of the above provisions of exemption from toll, shall forfeit the sum of five dollars, to be recovered by either of said Corporations, for the use of the Corporation suing therefor, in an action of the case, before any Justice of the Peace within and for the said county of Berkshire.

Penalty.

SECT. 3. *Be it further enacted*, That from and after the passing of this act, the Housatonic Turnpike Corporation shall be entitled to receive at the gate of said Corporation, in the town of Lee, in said county, in lieu of full toll now established by law, the following rates of toll, viz. for each coach, chariot, phaeton or other four wheeled spring carriage drawn by two horses, sixteen cents; and if drawn by more than two horses, two cents for each additional horse; for every waggon drawn by two horses, six and a quarter cents; and if drawn by more than two horses, two cents for each additional horse; for every

New rate of Toll.

cart or waggon drawn by two oxen, six and a quarter cents ; and if by more than two, eight cents ; for every curricule, twelve cents ; for every chaise, chair, sulkey, or other carriage for pleasure, drawn by one horse, eight cents ; for every cart, waggon, or truck, drawn by one horse, four cents ; for every man and horse, three cents ; for every sleigh or sled, drawn by two oxen or horses, five cents ; for each additional ox or horse, one cent ; for every sleigh or sled, drawn by one horse, three cents ; for all horses, mules, or neat cattle, led or driven, beside those in teams or carriages, one cent each ; for all sheep or swine, at the rate of two cents by the dozen. [June 19, 1816.] Further act 1820 ch. 5.

Chap. 36.

1813 ch. 193.
1814 ch. 145.

(Further time
1817 ch. 153.)

An ACT to extend the term of paying the second Instalments into the Lynn Mechanics' Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further term of one year, from the first day of June in the present year, be allowed to the Stockholders of the Lynn Mechanics' Bank, to pay in the second instalment. [June 19, 1816.] Further act 1817, ch. 153.

Chap. 40.

1814 ch. 39.

An ACT in addition to an act, entitled "An Act to establish the Boston and Roxbury Mill Corporation."

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the Dam from Beacon-street to Sewall's Point shall be completed according to the provisions of the act, entitled "An act to establish the Boston and Roxbury Mill Corporation," and whenever either of the other Dams mentioned in said act shall be so far completed, as that mills can be established, employing a power equal to turning twenty pair of common mill stones, and said Corporation or its assigns shall have actually erected mills employing a power equal to ten pair of common mill stones, the said Corporation may receive the toll granted by said act: *Provided*, that nothing herein contained shall be construed to exempt them from any of the obligations, penalties or forfeitures expressed in said act, except only in so far as relates to the said toll. [June 19, 1816.] Further acts 1819, ch. 65 : 1822, ch. 34.*

Chap. 42.

An ACT relative to the Nantucket Academy.

WHEREAS the proprietors of the Nantucket Academy at Nantucket, are desirous of closing the concerns of said Institution, and that their corporate powers should be dissolved:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the term of six months be allowed, from and after the passing of this Act, to the proprietors of Nantucket Academy, to sell and dispose of all their property real and personal, to divide the same among their respective proprietors, and to bring to a final close all the concerns of said Institution.*

SECT. 2. *Be it further enacted, That an Act, entitled, An Act to establish an Academy at Nantucket, by the name of The Nantucket Academy, passed on the third day of March,*

Act repealed,
1800 ch. 61.
(V. 2. p. 425.)

Time allowed.

in the year of our Lord one thousand eight hundred and one, be, and the same is hereby repealed, from and after the expiration of six months from the passing of this Act: *Provided nevertheless*, That this Act shall not be construed in any way to affect or impair any contracts already made by, or to which the said corporation is a party, and the same are hereby confirmed; *and provided further*, That the lands granted to the trustees of said Nantucket Academy, in and by the sixth section of the said Act, be reconveyed by the said corporation to the Commonwealth, by a good and sufficient deed of the same, and that the same deed be delivered to the treasurer of the said Commonwealth, on or before the expiration of said six months, from the passing of this Act. [June 20, 1816.]

Proviso.

An ACT to empower the Town of Boston to choose a Board of Health, and to prescribe their power and duty.

Chap. 44.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Boston, qualified to vote for town officers, shall, on the first Wednesday of April, annually, meet in their respective Wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previous to the time of meeting, and choose one able and discreet person, being a freeholder and resident within the Ward for which he shall be chosen, to be Member of a Board of Health, which Board shall consist of one person from each Ward, chosen by a majority of the voters present, and by ballot: And the Members of the Board of Health, for the time being, shall preside each in his respective Ward, at such meetings, and on the neglect of either of them, a committee chosen by the Ward shall preside until a clerk for such ward is chosen by a majority of the voters present; whose duty it shall be to preside at future meetings of said Ward, for the ensuing year, to call for the votes, receive, count and declare the same in open meeting; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house, the clerk shall, on the same day, leave a written notification of his being chosen as aforesaid; and upon his refusal or non-acceptance within four days, after notice as aforesaid, the clerk shall summon a new meeting of the inhabitants of his Ward at a time and place to be specified in two of the newspapers as aforesaid, three days at least previous to the intended meeting; *provided however*, in case of refusal to serve of any person, at the time of his election in any Ward, the said Ward shall proceed to a new choice, and in case of the acceptance of any person chosen as aforesaid, the clerk of the Ward, where such person is chosen, shall notify the President of the Board of Health for the time being, or in case of his death or absence from Boston, the oldest member of said Board, of such choice, within twenty-four hours after such choice is made; and in all cases the said Board of Health for the time being shall continue in power and office until a new Board is chosen and organized agreeable to the provisions of this Act.

Time of choosing members.

Repealed by 1821 ch. 110, § 28.

Powers of clerk.

And the president of the Board of Health, for the time being, or in case of his death or absence from the town of Boston, or incapacity to attend, the oldest member of said Board present, shall within five days after the return made to him, by two thirds of the clerks of the wards aforesaid, where and when two thirds of said members of said Board of Health are chosen as aforesaid, notify the new members chosen and returned as aforesaid, to meet at the usual place of the meeting of said Board, and shall at such meeting preside until a president and secretary shall be elected by the members of said new Board, for said Board; and he hereby is authorized to administer to such secretary an oath faithfully to record all the votes, orders, proceedings and regulations of said Board, and faithfully to perform all the duties of his said office, during his continuance therein, which oath shall be entered and subscribed by such secretary on the records of said Board, and attested by the

Powers of President.

Regulations.

person administering the same, after which such secretary shall have the custody of the records, books and papers of said Board; and a certified copy of the votes, orders, proceedings and regulations of said Board, or a certified copy from the records of said Board, by such secretary thereof, shall be received and admitted as evidence in all cases relating to the proceedings or concerns of said Board.

SECT. 2. *Be it further enacted*, That said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth that may be injurious to the health of the inhabitants of the town of Boston, which do, or may exist within the limits of the town of Boston, or on any island, or in any vessel within the harbour of Boston, or within the limits thereof, and the same to destroy, remove or prevent, as the case may require; and whenever said Board shall think it necessary for the preservation of the lives or health of the inhabitants of Boston to enter forcibly any building, or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the said town of Boston or the harbour thereof, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said Board have reason to believe is contained in such building or vessel—any member of said Board, by order of said Board, may apply to any justice of the peace, within and for the county of Suffolk, and on oath complain and state, on behalf of said Board, the facts as far as said Board have reason to believe the same relative to such nuisance, source of filth or cause of sickness aforesaid; and such justice shall thereupon issue his warrant, directed to the sheriff of the county of Suffolk, or either of his deputies, or any constable of the town of Boston, therein requiring them or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or some two members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of as existing as aforesaid; and there, if found, the same to destroy, remove or prevent, under the directions and agreeable to the order of said Board of Health, or such members of the same, as may attend and accompany such officer for such purpose; *provided however*, that no sheriff or deputy sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And in all cases where such nuisance, source of filth, or cause of sickness shall be removed, destroyed or prevented in manner aforesaid, the cost of so removing, destroying or preventing the same, together with all costs attending the proceedings relative thereto, shall be paid by the person or persons, who

Powers.
1821 ch. 110.
§ 17.

Proviso.

caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found. And in all cases where any contagious and malignant disorder exists, within the limits of the town of Boston, or on board of any vessel, or on any island within the harbour of Boston, and it appearing to said Board of Health, after the same has been examined into by the physician of said Board, or some other respectable physician of the town of Boston, that the public safety requires that any person or persons affected with any contagious, malignant disorder, should be removed to the Hospital on Rainsford Island, or to any other place within the limits of said town of Boston, on any island in the harbour of Boston, or should be confined or remain in the place where such person or persons thus affected then are; in every such case the said Board of Health shall pass an order relative to the same, which order, all persons, dwelling in or occupying such place, building or vessel, notified thereof by said Board, or called on by said Board, shall be obliged to obey; and any person refusing to obey such order or resisting any officer or person acting under the authority of said Board or any member of said Board in any of the duties or requirements in this section of this Act, shall severally forfeit and pay for such offence, a sum not less than five, and not exceeding five hundred dollars, according to the nature and aggravation of the offence.

SECT. 3. *Be it further enacted*, That the said Board of Health shall have power to make such rules, orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Boston, or on board any vessel, or on any island in the harbour of Boston which they may think necessary; which rules, orders and regulations, from and after the same have been published in two newspapers, printed in the said town of Boston, shall continue in force and be obeyed by all persons until changed, altered or repealed by the same Board who made them, or by some succeeding Board of Health. And any person or persons who disobey or violate any such rules, orders or regulations, so as aforesaid made by such Board, shall severally forfeit and pay for such offence, a sum not less than one and not more than fifty dollars, according to the nature and aggravation of such offence.

SECT. 4. *Be it further enacted*, That the said Board of Health shall have power to seize, take and destroy, or to remove to any safe place without the limits of the town of Boston, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetable or other articles of the provision kind, or liquor, which in their opinion, first consulting the physician of said Board, or some other reputable physician of the town of Boston, shall not be fit for food and nourishment, and injurious to the health of those who might use the same: And the cost of such seizing, taking, destroying or removing shall be paid for by the person, or persons in whose

Rules and orders.

May seize and destroy provisions.

possession the same unwholesome, putrid, or tainted article shall or may be found.

SECT. 5. *Be it further enacted*, That the said Board of Health shall have power, from time to time, to make and establish all such rules, orders and regulations relating to clothing or any article capable of containing or conveying any infectious disease, or creating any sickness, which may be brought into, or conveyed from the town of Boston, or into or from any vessel, or on or from any island in the harbour of Boston, as they shall think proper for public safety, or to prevent the spreading of any dangerous or contagious disease. And all such rules, orders and regulations, so as aforesaid by said Board made and established, shall be obeyed by all persons from and after the same have been published in two of the newspapers, printed in the town of Boston, and shall continue to be in full force until altered or repealed by the Board who made and established the same, or some other succeeding Board; and every person who shall disobey or violate any of such rules, orders and regulations, shall forfeit and pay a sum not less than one dollar, and not more than one hundred dollars, according to the nature and aggravation of such offence.

Fines.

Quarantine.

SECT. 6. *Be it further enacted*, That the said Board of Health shall have power to establish and regulate the quarantine to be performed by all vessels arriving within the harbour of the town of Boston, and for that purpose shall have power, from time to time, to establish, make and ordain all such orders, rules and regulations relating to said quarantine as said Board shall think necessary for the safety of the public and the security of the health of the inhabitants of the said town of Boston; which said rules, orders and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the same shall have been published in two newspapers, printed in the town of Boston, until the same are altered or repealed by the said Board establishing, making and ordaining the same, or by some succeeding Board of Health. And said rules, orders and regulations may extend as well to all persons arriving in such vessels, and to their property and effects aboard such vessels, and to all such persons as may visit, or go on board such vessels, after their arrival in said harbour of Boston, and to the cargo of all such vessels, as to the vessels themselves—as also to every matter and thing relating to, or connected with such vessel, or the cargo of the same, or to any person or persons going on board or returning from the same; and every person who shall knowingly or wilfully violate or disobey any of such rules, orders and regulations, so as aforesaid made, established or ordained by said Board of Health, shall severally forfeit and pay a sum not less than five dollars, and not exceeding five hundred dollars, according to the nature and aggravation of such offence. And the Board of Health shall have power at all times, to cause any vessel arriving in the harbour of Boston, which is foul and infected, or whose cargo is foul and affected with any malignant and contagious disease, to be remov-

Fines.

ed and placed on quarantine ground, and the same to be thoroughly cleansed and purified at the expense and charge of the owners, consignees or possessors of the same; and also all persons arriving in or going on board such infected vessel, or handling such infected cargo, to be removed to Hospital or Rainsford Island, under the care of said Board, and to the Hospital on the same, there to remain under the orders and regulations of said Board. All expenses incurred on account of any person under the quarantine rules, orders and regulations of said Board of Health, shall be paid by such persons.

SECT. 7. *Be it further enacted*, That said Board of Health shall have power, and it shall be their duty to elect and appoint a principal physician to said Board, who shall reside in Boston, and an assistant physician, who shall, during the time of quarantine, reside on Hospital Island, also an Island-Keeper, to reside on said Hospital Island, boatmen and such other officers and servants as will be necessary to carry into effect the rules, orders and regulations of said Board of Health, as it respects the quarantine; and shall prescribe to them their duty, and establish their salary and fees, and displace or remove them at pleasure, and elect and appoint others in their places; also said Board shall, from time to time, establish and regulate the fees or expenses attending the said quarantine regulations, shall have the care of said Rainsford or Hospital Island, and of the Hospital on the same, and of all property on said island and belonging to or connected with the Hospital on the same; and shall annually in the month of January in each year, file in the secretary's office of this Commonwealth, an exact and true account of the state of the property in and connected with the Hospital establishment on said island, and of the property belonging to the Commonwealth on said island, and of all money expended thereon.

Officers appointed for Hospital Island.

SECT. 8. *Be it further enacted*, That said Board of Health shall have power to elect and appoint Scavengers, Superintendants of burying grounds, Funeral Porters or Undertakers, and such other Officers and Servants, as shall be necessary to carry into effect all the powers and duties in this act given to, or required of the said Board of Health, and to fix and establish their fees of office or compensation; and all officers elected or appointed by said Board, shall be removeable from their said offices, at the pleasure of said Board, and others substituted, elected or appointed in their place. And a majority of said Board shall be competent to transact any business which the whole Board, were they all present, might or could transact.

Scavengers and Funeral Porters.

SECT. 9. *Be it further enacted*, That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, entitled "An Act to prevent the spreading of Contagious Sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston, any thing in said laws to the contrary not-

1797 ch. 16.
1799 ch. 10.

Expenses.

Vacancies filled up.
1821 ch. 110.
† 28.

May remove sick prisoners.

withstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the town Treasurer of the town of Boston; and the accounts of said Board including all receipts and expenditures of money shall be examined by the Committee of accounts annually chosen by said town of Boston for that purpose, who shall report a state of them to the said town accordingly, and the same shall be paid by the Treasurer of said town of Boston. And on the death or resignation of any Member of said Board of Health, the said Board may cause such vacancy to be filled by a new election from the Ward from which said Member was elected by directing the Clerk of such Ward to call a meeting of the inhabitants of such Ward, qualified to elect a Member of the Board of Health, to meet at such time and place, as shall be notified to him by said Board; at which meeting such vacancy shall be filled, and such proceedings be had as are directed in the first section of this act, as to the choice and return and notification of the person elected as a Member of said Board as aforesaid.

SECT. 10. *Be it further enacted*, That whenever any prisoner confined in the gaol in Boston, or within the limits of said prison, shall be attacked with any contagious, malignant disorder, which in the opinion of said Board of Health, first having consulted with the Physician of said Board, or some other respectable Physician, of the town of Boston, endangers the safety and health of the other prisoners in said gaol, or the inhabitants of said town, and that the suffering such prisoners, so attacked as aforesaid, longer to remain in said gaol, or within the limits of said prison, is not consistent with the public safety, or the health of the inhabitants of said town, or the prisoners in said gaol; in every such case, the said Board of Health shall make application in writing to any two Justices of the Peace, *quorum unus*, therein stating the facts relative to such case; and the said Justices to whom such application shall be made, shall examine into such case, and if satisfied that the facts stated are true, shall issue their warrant to said Board of Health, authorizing and directing them to remove said prisoner so attacked with such contagious and malignant disorder, to the Hospital on Rainsford Island, or to some other place of safety, there to remain under the directions of said Board, until such prisoner either recovers or dies; and in case of recovery, then to be returned by said Board to the place from which he was taken; and such warrant so executed by said Board, or any Member thereof, shall be by them returned, with their doings thereon, into the Clerk's Office of the Court, from which the process for committing such prisoner to gaol, shall have issued; and the place to which such prisoner shall be removed by virtue of such order, shall be considered as the gaol of the county of Suffolk; and every prisoner removed as aforesaid, for the causes aforesaid, shall not thereby be considered as having committed any escape, so as to prejudice either himself, his bondsmen, or the persons who had the custody of him in his confinement aforesaid.

SECT. 11. *Be it further enacted*, That the said Board of Health of the town of Boston are hereby authorized and empowered, from time to time, to make and establish rules, orders and regulations for the interment of the dead in said town, to establish the police of the burying grounds, appoint and locate the places where the dead may be buried in said town, and cause the places for the deposit of the dead in said town, and the burying grounds, to be repaired and properly enclosed. Also to make regulations for funerals and funeral processions, and appoint all necessary officers and persons to carry the same into effect, and to appoint to them their duties and fees; and shall also have the power to establish such penalties for the violation of any such rules, orders and regulations, as they may think proper: *Provided*, no one penalty for any one violation, shall exceed the sum of fifty dollars. And all such rules, orders or regulations, so as aforesaid made and established by said Board, shall be obeyed by every person, from and after the same have been published in two of the newspapers printed in Boston, and shall continue in full force, until the same are altered or repealed by the said Board, who made and established them, or by some succeeding Board.

Burying
Grounds.

Funerals.

Proviso for
Penalties.

SECT. 12. *Be it further enacted*, That the said Board of Health shall have power to grant permits for the removal of any nuisance, infected article, or sick person, within the town of Boston, when they think it safe and proper so to do; and said Board, whenever they think justice requires it, may stop, discontinue, discharge or compromise any suit, complaint or information, originating under this act. And all fines, forfeitures, penalties, sums to be paid or recovered, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of "the Board of Health of the town of Boston," by complaint or information by said Board, to be made in writing to some Justice of the Peace within and for the county of Suffolk; which said Justice, upon said complaint or information being made to him as aforesaid, shall receive the same, and thereupon issue his warrant, therein reciting the said complaint or information, directed to the sheriff of the county of Suffolk or either of his deputies, or any constable of the town of Boston, commanding them or either of them, to summon the party informed against or complained of, to appear before him at a time and place to be named in said warrant, to shew cause, if any they have, why they should not pay the sum demanded of them in such complaint or information: which said warrant, shall by the officer who receives the same, be served on the party informed or complained against as aforesaid, at least seven days before the day in said warrant stated, as the said day of trial, by giving such party in hand, a copy of such warrant, reading the same to him, or leaving a copy thereof at the last and usual place of the abode of such party; and if such party shall not appear at the time and place appointed, or appearing shall not show sufficient cause as aforesaid, the said justice shall proceed to render judgment in every such case, that the said Board of Health shall recover such

Permits.

May prosecute.

Forms of Pro-
cess.

sum in damages or as fine, as the case may be, as according to the provisions of this act, they ought by law to recover, with costs, and shall proceed to issue his execution therefor, in the same manner as executions issue from Justices of the Peace in civil cases triable before them; and such executions shall be served and made returnable in the same manner as executions in civil actions are by law served, and made returnable, which issue on judgments rendered in the Supreme Judicial Court of this Commonwealth: *Provided however*, that in all such prosecutions as aforesaid, if the said Board of Health shall discontinue such prosecution or become nonsuit, or the same on the merits should be decided by such Justice trying such prosecution against them, in every such case, the said party informed against and complained of, shall recover his legal costs against said Board, which costs shall be paid by the treasurer of the town of Boston. And in every prosecution under this act, before any Justice of the Peace as aforesaid, the party complained against in such prosecution, being dissatisfied with the judgment in the same, given by such Justice, may appeal therefrom to the Boston Court of Common Pleas, next to be holden at Boston, within and for the county of Suffolk, after such judgment is so as aforesaid given, or rendered by such Justice; *provided* such appeal be entered within twenty-four hours after such judgment is given as aforesaid; and the same proceedings in all respects relating to such appeal, shall be had as are by law required on appeals from judgments rendered in civil causes by Justices of the Peace in this Commonwealth; and on the entry of such appeal in said court, the said court shall have cognizance and jurisdiction of the same, and shall proceed to hear and determine the same in the same manner, and award execution in the same way and manner as they have cognizance and jurisdiction, proceed to hear and determine and award execution in civil causes, on appeals to them from judgments given by Justices of the Peace in this Commonwealth. And in all cases of such appeals on prosecutions under this act, the party prevailing in the said court shall recover his costs, to be paid in the manner prescribed in this section of this act: *Provided however*, that no appeal shall be allowed or granted to said court in any prosecution under the provisions of this act, where the amount of the judgment rendered and had before, and by any Justice of the Peace, shall not amount to more than five dollars exclusive of costs. And all fines and forfeitures recovered by said Board of Health, under the provisions of this act, shall inure to the use of the inhabitants of the town of Boston, and be accounted for by said Board of Health, to and with the town treasurer of said town of Boston. *And provided also*, that in consequence of said appropriation of said fines and forfeitures, or the appropriation of any other monies by virtue of this act, no inhabitant of the said town of Boston shall be disqualified as a Justice of the Peace, a witness or juror in any prosecution under this act, nor shall the said Board of Health, or any member of the same, or any officer of the same, be rendered thereby in-

Proviso.

Appeals.

Costs.

Proviso.

competent witnesses in any prosecution under this act; and the members of said Board of Health, while they continue in such office, shall be exempted from all militia duty and every other duty and service, which by law the selectmen of towns in this Commonwealth are exempted from: and all laws heretofore made relating to a Board of Health in the town of Boston, so far as they are inconsistent with or contrary to the provisions of this act, shall be, and the same are hereby repealed. *Provided however*, that the election of the present Board of Health for the said town of Boston, and all their doings under the said laws are hereby confirmed, and they shall have and exercise all the powers and duties required or permitted by this present act; *and provided also*, that all prosecutions now pending, shall be proceeded in, in the same way and manner, as though this act had never been passed. And in all prosecutions under this act, the persons prosecuted, may plead the general issue, and give any special matter in evidence under the same; and the complaint, information, pleadings or proceedings in any prosecutions under this act, may, by leave of court, before whom the same is, or may be pending, be amended in any state of such prosecution, without the payment of costs by either party. [June 20, 1816.]

Exemptions.

Acts repealed.

May plead the general issue.

An Act to incorporate the Protestant Episcopal Parish of Saint Matthew, in Boston. Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Abraham Gould, Barker Brooks, John Pronk, William Brown, William Summers and Josiah Dunham, together with such others as have, or may hereafter join them and their successors, together with their polls and estates, be, and they hereby are incorporated into a society or body politic, by the name of the Protestant Episcopal Parish of St. Matthew, in Boston; and the said parish or society are hereby invested with full power and authority to assess and collect of the members belonging to said parish, for the purpose of maintaining the public worship of God therein, and for maintaining their instruction of piety, religion and morality, and for erecting a house of public worship, and repairing the same from time to time, such monies as are or may be necessary for those purposes; and they are hereby vested with such powers, privileges and immunities, as any other religious society does or may enjoy by the laws of this Commonwealth.

Persons incorporated.

Corporate powers.

SECT. 2. *Be it further enacted*, That if any other person or persons may hereafter incline to join said episcopal parish, in Boston aforesaid, and shall leave a certificate of the same, signed by the rector, clerk or committee of said parish, with the clerk of the town to which he or they may respectively belong, he or they, with his or their polls and estates, shall be considered as belonging to said episcopal parish, in the same manner as though he or they were incorporated by name in this act. And whenever any person or persons, belonging to said episcopal parish shall see cause to leave the same, and unite with any other religious parish or society, and shall leave

Transfer of Membership.

with the rector or clerk of said episcopal parish, a certificate of the same, signed by the minister or clerk of the parish, or other religious society, with which he or they may have united, he or they, with his or their polls and estates, shall be discharged from said episcopal parish, and annexed to the parish or society to which he or they may have joined themselves.

SECT. 3. *Be it further enacted*, That the said protestant episcopal parish be, and hereby is empowered to raise and establish a fund in such way and manner as it may see fit, the annual income or interest of which shall not exceed the sum of two thousand dollars; the said income or interest, or so much thereof as shall be necessary, to be appropriated to the support of a protestant episcopal minister or ministers in said parish. [June 20, 1816.]

Funds.

Chap. 50.

An ACT to alter and change the Names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That from and after the passing of this Act, Stephen Minot Thayer Fogg, of Braintree, in the county of Norfolk, student at law, shall be allowed to take the name of Ebenezer Thayer Fogg: Mehitable Miller Soper, of Braintree aforesaid, shall be allowed to take the name of Eliza Mary Thomas Soper: John Child, of Boston, in the county of Suffolk, merchant, son of Daniel Child, of Newton, shall be allowed to take the name of John Richards Child: Daniel B. Strafford, of said Boston, shall be allowed to take the name of Kent B. Strafford: Lucy Foster, of Billerica, in the county of Middlesex, widow, shall be allowed to take the name of Lucy Hill Foster: John Child, of Boston aforesaid, merchant, son of Stephen Child, of Roxbury, shall be allowed to take the name of John Weld Child: Henry Coffin, of Boston, son of John Gorham Coffin, shall be allowed to take the name of Henry Rice Coffin: Loammi Hamilton, of Northampton, in the county of Hampshire, shall be allowed to take the name of Alexander Hamilton: Billy Hancock Grant, son of David Grant, of Wrentham, in the county of Norfolk, shall be allowed to take the name of William Hancock Grant: Israel Lakeman, of Boston aforesaid, merchant, son of Pelatiah Lakeman, shall be allowed to take the name of David Hinkley Lakeman: Gorham Benson, of Scituate, in the county of Plymouth, shall be allowed to take the name of William Gorham Benson: George Thacher, second, of Boston aforesaid, shall be allowed to take the name of George Churchill Thacher: Peace Lee, of Portland, in the county of Cumberland, shall be allowed to take the name of Caroline Peace Lee: David Brownell, of Westport, in the county of Bristol, son of George Brownell, late of said Westport, shall be allowed to take the name of David Milk Brownell: Rebecca Davis, daughter of Samuel Davis, of Newbury, in the county of Essex, shall be allowed to take the name of Rebecca Kendal Davis: Jannah Ranny, of Northampton aforesaid, shall be allowed to take the name of George Jannah Ranny: William Bradford, of Boston aforesaid, merchant, shall be allowed to take the name of William Wash-

Persons changing names.

er Bradford : Aaron Davis, son of Aaron Davis, of Newburyport, in the county of Essex, shall be allowed to take the name of Aaron Charles Davis : James Allen, of Boston aforesaid, merchant, son of Oliver Allen, of Bridgewater, in the county of Plymouth, shall be allowed to take the name of James Seymour Allen : William Spooner, of Boston aforesaid, son of William Spooner, of said Boston, physician, shall be allowed to take the name of William Jones Spooner. And the several persons before mentioned, from and after the passing of this Act, shall be known and called by the names which by this Act they are respectively allowed to take and assume as aforesaid ; and said names shall forever hereafter be considered as their only proper and legal names to all intents and purposes. [June 20, 1816.]

An ACT in addition to an Act, entitled "An Act to incorporate the Linum and Duck Manufacturing Company."

Chap. 52.
1813 ch. 151.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Linum and Duck Manufacturing Company, in addition to their present powers, be, and the said company hereby is authorized to manufacture nails and other iron and hard-ware, and to purchase, hold and employ machines and tools necessary and useful for the purposes aforesaid : Provided however, that nothing in this Act contained shall be so construed as to increase the capital stock of said company beyond the amount limited by the Act to which this is in addition. [June 20, 1816.]

Powers of the company.

An ACT extending the time allowed the Trustees of the Bedford Bank, to close their concerns.

Chap. 53.
1802 ch. 114.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of three years, from the first Monday of October next, be granted and allowed to the trustees of the Bedford bank, for the sole purpose of enabling said trustees, gradually to settle and close their concerns, and divide their capital stock, they conforming in all respects to an Act passed on the twenty-fourth day of June, one thousand eight hundred and twelve, entitled "An Act to enable certain banks in this Commonwealth to settle and close their concerns." [June 20, 1816.]

Time allowed for closing concerns.

1812 ch. 57.

An ACT in further addition to an Act, entitled "An Act to incorporate Nicholas Thorndike and others into a company, by the name of the Beverly Marine Insurance Company."

Chap. 54.
1809 ch. 35.
1810 ch. 3.
1811 ch. 3.
1813 ch. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That such further time, not exceeding five years, from and after the twenty-fourth day of August next, be allowed to the stockholders in the Beverly Marine Insurance Company, named in an Act, entitled "An Act to incorporate Nicholas Thorndike and others into a company, by the name of the Beverly Marine Insurance Company," to pay in the residue, being the last moiety of the instalments, and amounting in all to fifty dollars on a share, in the capital stock of the said company, as the directors thereof may judge proper, and that the said residue shall

Further time allowed to pay instalments.

(Further time
1821 ch. 36.)

be paid in at such times and in such proportions as the said directors shall order and appoint, within the period aforesaid : *Provided however*, that nothing in this Act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said original Act, in addition to which this Act is made. [Nov. 23, 1816.] Further act—1821 ch. 36.

Chap. 56.

An ACT to incorporate the Berkshire and Columbia Missionary Society.

Persons incor-
porated.

Objects of the
society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jacob Catlin, Alvan Hyde, Samuel Shepard, Henry Brown, Ebenezer Jennings, Joseph Woodbridge, Jonathan Nash, and James W. Robbins, with those who have, or may hereafter associate with them and their successors, be, and they hereby are incorporated and made a body politic, for the purpose of furnishing the means of christian knowledge and improvement, by the distribution of pious and religious books and tracts, and by sending missionaries among the inhabitants of our own land, who are destitute of religious knowledge and instruction, or where such means are but partially provided ; and also to aid, as their funds will permit, in spreading the light of the gospel among the heathen, by the name of the Berkshire and Columbia Missionary Society : and the society aforesaid shall have perpetual succession, and may have a common seal, which they may change, break, alter and make new at their pleasure ; and may purchase and receive by gift or devise, lands, tenements and real estate of any kind, and the same hold in fee simple or less estate ; and also subscriptions, donations and bequests of money, or any other personal estate, the annual income of which shall not exceed the sum of ten thousand dollars ; and all grants, donations, subscriptions, devises, and bequests, made to said society, shall be improved in such manner, as the trustees of said society shall judge most conducive to the designs of the institution.

Powers and
duties.

SECT. 2. *Be it further enacted,* That the said society may annually elect, by ballot, by a majority of the members present, a president, vice-president, a treasurer, secretary, clerk, and such number of trustees as they may judge proper, (not less than eleven) and such other officers, as they may determine to be necessary ; and may, at their first meeting under this Act, by vote of a majority of the members present at said meeting, adopt and establish such constitution, or system of rules and by-laws as they may think necessary for conducting and executing the business of said society, and for more effectually securing the objects of their institution ; which constitution or system of by-laws shall be for the government of said society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out : *Provided*, such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

May sue and
be sued.

SECT. 3. *Be it further enacted,* That the society aforesaid, shall at all times have power to sue and may be sued, and may

defend, and shall be held to answer by the name, style and title aforesaid; and if it shall so happen that the said society shall become seized of lands and tenements, it shall be lawful by deed under the hand and seal of their president, for the time being, to sell and convey the same: *Provided* such sale shall be made by order and under the direction of the trustees.

SECT. 4. *Be it further enacted*, That a particular account of all the funds of said society, and the disposition thereof shall be exhibited by the treasurer, at the stated annual meeting of said society, a committee of said society having first examined and certified the same to be true; and fair entries shall be made in books provided for that purpose, of all donations made to said society, and of all the estate, both real and personal, belonging to the same; and said books shall be brought to the annual meetings, and be there open to the inspection of the members.

Records.

SECT. 5. *Be it further enacted*, That Joseph Woodbridge, Esquire, be, and he hereby is empowered to call the first meeting of said society in their corporate capacity, by publishing a notification in both the newspapers printed in the county of Berkshire, three weeks in succession; the first publication to be thirty days at least before the time of said meeting. [Nov. 27, 1816.]

Meeting.

An ACT in further addition to an Act, entitled "An Act to incorporate Jonathan Mason and others into a company, by the name of the Union Marine Insurance Company."

Chap. 59.

1803 ch. 92.
(V. 3. p. 333.)
1810 ch. 47.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the directors of the Union Marine Insurance Company shall make dividends of the interest and profits arising on the capital stock and business of the company as now by law provided, on the second Monday of April and October, in each year, instead of the times now prescribed; any thing in the Act to which this is in addition, to the contrary notwithstanding. [Dec. 4, 1816.]

Shall make dividends.

An ACT to incorporate the American Society for the education of pious youth for the Gospel Ministry.

Chap. 61.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Phillips, Samuel Salisbury, Eliphalet Pearson, William Reed, Joshua Bates, Asa Eaton, Samuel H. Walley, and Aaron P. Cleaveland, together with those who have associated, and who may hereafter associate with them, be, and they hereby are incorporated and made a body politic, by the name of the American Society for educating pious youth for the Gospel Ministry; and the society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to alter at pleasure; and may purchase and receive by gift, or devise, lands, tenements, and real estate of any kind, and the same hold in fee simple, or less estate, the annual income and profits whereof shall not exceed the value of ten thousand dollars. And the said society is hereby enabled to take and receive subscriptions of charitably disposed persons, and may take any personal estate in succession: and all donations

Persons incorporated.

(Name altered
1819 ch. 83.)

Application of funds,

to the society, either by subscription, legacy or otherwise, (excepting such as shall be differently appropriated by the donors, or by a vote of the society, agreeably to their constitution) shall make a part of, or be put into the capital stock of the society, which shall be put out on interest on good security, or otherwise improved to the best advantage, and the income or profits applied to the purpose of aiding indigent young men of talents and hopeful piety, in acquiring a learned and competent education for the gospel ministry.

Rules and regulations.

SECT. 2. *Be it further enacted*, That the said society may choose a president, vice-president, clerk, treasurer, and such other officers as they shall see fit; and may at their first meeting under this incorporation, by the vote of two thirds of their members present at said meeting, adopt such constitution or system of rules and by-laws, as they shall think necessary for the orderly conducting and executing the business of said society, and for the most effectually securing the object of their institution; which constitution or system of rules and by-laws, shall be for the government of said society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out: *Provided*, such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

May sue and be sued.

SECT. 3. *Be it further enacted*, That the society aforesaid may, at all times, under the name, style and title aforesaid, sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may appoint an agent or agents to prosecute and defend suits with power of substitution; and it shall be lawful for the said society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way or right accruing to them in their corporate capacity, (unless that which is given be otherwise expressly ordered, or appropriated by the donor.) and convey the same by deed or other legal instrument duly executed, and when the property to be conveyed is real estate, under the hand of the treasurer and the seal of the society: *Provided* that all monies arising from such sale be applied to the same use to which the income thereof was before applied.

First meeting.

SECT. 4. *Be it further enacted*, That William Phillips, Esq. be, and he hereby is authorized, by notification in any two of the newspapers printed in Boston, to appoint the time and place of the first meeting of said society. [Dec. 4, 1816.] See 1819 ch. 83.

Chap. 63.

An ACT to incorporate the Fragment Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Mary Francis, Margaret C. Welch, and their associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are incorporated for the purpose of aiding and assisting indigent sick persons in the town of Boston, by the name of the Fragment Society; and by that name shall be a corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish by-laws and orders for the regulation of said society

Powers.

and the preservation and application of the funds thereof; *pro-* Proviso.
vided the same be not repugnant to the constitution and laws of
 this Commonwealth, to take, hold and possess any estate, real
 and personal, by subscription, gift, grant, purchase, devise, or
 otherwise; and the same to improve, lease, exchange or sell
 and convey for the sole benefit of said institution; *provided* the
 value of the real estate of the said society shall never exceed
 twenty thousand dollars, and the annual income of the whole
 estate of said society shall not exceed five thousand dollars.

SECT. 2. *Be it further enacted,* That every married woman
 belonging to said society, who shall, with the consent of her
 husband, receive any of the money or other property of said
 society, shall thereby render her said husband accountable Husbands lia-
 ble.
 therefor to said society; and every woman, whether sole or
 married, who shall subscribe and pay to the funds of said so-
 ciety, a sum not less than one dollar annually, shall by sub-
 scription and payment become a member of said society, liable
 however to be removed whenever she shall neglect or refuse
 to pay her annual subscription.

SECT. 3. *Be it further enacted,* That the said society shall
 meet in Boston on the second Monday in October annually, for Annual meet-
 ing for officers.
 the purpose of electing by ballot from their members, a first
 and second president, a treasurer, secretary, and a board of
 not less than nine, nor more than twelve managers, all of which
 officers shall hold their said offices for one year, and until oth-
 ers shall be elected to succeed them; and the managers for the
 time being shall publish a notification of the time and place of
 each annual meeting in one or more of the Boston newspapers,
 at least seven days before the time of holding the same. Upon Special meet-
 ings.
 any urgent occasion, the first or second president, or when re-
 quested in writing by fifteen members of said society, any five
 of the managers may appoint a special meeting of said society,
 to be notified in the same manner as the annual meetings. And
 at any regular meeting of the board of managers, they may re-
 move any manager from office, and by ballot fill any vacancy,
 so or otherwise made; *provided* two thirds of their whole num-
 ber shall concur.

SECT. 4. *Be it further enacted,* That the treasurer of said so- Treasurer.
 ciety shall be a single woman of the age of twenty-one years
 or upwards, and shall give bond with sufficient surety or sure-
 ties to account annually, or oftener, if required by said society
 or the board of managers, for all money and property of said
 society, and in general to discharge the duties of said office with
 fidelity.

SECT. 5. *Be it further enacted,* That the board of managers
 for the time being shall have the management and application
 of the subscriptions, funds and estate of the society, solely for
 the purpose of this institution; and no sale or transfer of any
 of the real or personal estate of said society shall be valid, un-
 less approved by them; and no money shall be paid out of the
 treasury of said society except in pursuance of their order;
 they shall likewise have authority at their discretion to give or
 loan any articles belonging to said society to such indigent and Stock and dis-
 bursements.

Rules and regulations.

sick persons in the town of Boston, as they believe upon enquiry, recommendation, or visiting, to be proper objects for the charity of this institution; and the managers shall have authority to establish any rules and by-laws for the regulation of the proceedings of said board, and the concerns of said society, not repugnant to the laws of this Commonwealth, or the by-laws and orders of said society; not less than five managers shall constitute a quorum for transacting business, and all questions shall be decided by the votes of a majority of the members present.

May be sued.

SECT. 6. *Be it further enacted*, That any writ or process against said corporation may be served by the officer's leaving an attested copy thereof with the treasurer of said society, or at her usual place of residence, thirty days before the return day thereof; and the said treasurer, or any agent appointed for that purpose, by the society or managers, may appear by attorney, and defend or prosecute any suit in behalf of said society.

Form of Instruments.

SECT. 7. *Be it further enacted*, That all instruments of conveyance or contract, which may lawfully be made by said society, if approved by the board of managers, shall be signed by the first or second president, and countersigned by the secretary; and if necessary, sealed with the common seal of said society; and when so executed, shall bind the said society and be valid in law. [Dec. 4, 1816.]

Chap. 64.

An ACT to incorporate the Trustees of the Ministerial Fund, in the first parish in Pembroke.

Trustees.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alden Briggs, Nathaniel Loring, jun. and Anthony Collamore, be, and they hereby are appointed trustees of the Ministerial Fund in the first parish in Pembroke, to receive and hold all the money and securities given to said first parish for the support of the gospel, and to receive and hold all other property that now is, or that may be hereafter given to said parish, for the like purpose, in trust for the use and benefit of said parish, the interest of which to be applied for the support of a gospel minister. of the congregational order or denomination; and they and their successors in office shall constitute a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the first parish in the town of Pembroke, to have perpetual succession for the due and faithful management of said trust; and are hereby vested with all powers incident to corporations, and necessary and requisite for that purpose.

Term of Office.

SECT. 2. *Be it further enacted*, That the trustees aforesaid shall hold their office for four years from the passing of this act, and until others are chosen in their place; and all vacancies that take place, shall be filled by said parish; and every four years said parish shall elect three persons, members of said parish, as a new board of trustees; and whenever either of the trustees shall cease to be a member of the parish, he

shall be considered as resigning his office as trustee ; and the vacancy thereby occasioned shall be filled by the parish ; and the trustees appointed by this act, and their successors, shall give bond to the treasurer of said parish in double the amount of all money and securities in their hands as trustees, with sufficient sureties, to the acceptance of the parish committees, for the faithful discharge of the duties of their trust, and shall annually settle their accounts with the committee of said parish, and pay over the interest arising from said fund to the treasurer of said parish ; and on producing from said treasurer, a certificate of said payment, the parish committee shall discharge said trustees from the same ; and said trustees may exhibit their accounts for services to said parish for approbation and allowance, and the sums voted them shall be their compensation for services.

Settlement of
accounts.

SECT. 3. *Be it further enacted*, That the trustees aforesaid may loan the money belonging to said funds, but it shall be their duty in no case to loan it but as they secure the payment by a mortgage of real estate, unless such loan is made with the knowledge and consent of the parish committee ; and if said trustees shall become seized of lands and tenements by mortgage as security for payment of any debts due said trustees, or parish, and the fee by due course of law becomes vested in them as trustees aforesaid, it shall be lawful for said trustees, for the time being, to execute a good and lawful deed of the same to any purchaser ; *provided* that the sale thereof be concluded on at any legal meeting of said parish : and whenever a board of trustees shall be discharged by the choice of a new one, or by any other cause, their bond shall not be cancelled by the treasurer of said parish, until said trustees shall produce a certificate from the parish committee, that they have delivered over to the new board of trustees all the property in their hands belonging to said funds, in which case the treasurer aforesaid shall cancel their bonds, and execute their discharge. [Dec. 5, 1816.]

Trustees may
loan money.

Proviso.

An ACT to incorporate the Merchants' Insurance Company in Boston.

Chap. 66.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Bourn Swett, James Howe, Joseph Balch, Benjamin Thompson and others, and such persons as have already or hereafter shall become Stockholders in said company, being citizens of the United States, be, and they hereby are incorporated into a company and body politic, by the name of The Merchants' Insurance Company in Boston, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company, subject to the restrictions hereinafter mentioned.

Persons incor-
porated.

SECT. 2. *Be it further enacted*, That a share in the capital

Capital Stock.
(Increased
1817 ch. 96.
1819 ch. 12.)

stock of said company, shall be one hundred dollars, and the number of shares shall be one thousand; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the president and directors of said company, until the same shall be filled; and the whole capital stock, estate or property which the said company shall be authorized to hold, shall never exceed two hundred thousand dollars, exclusive of premium notes or profits arising from said business; of which capital stock or property, a sum not exceeding ten thousand dollars may be invested in real estate.

Officers.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by thirteen directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall, at the time of their election, and so long as they continue to be directors, be stockholders and citizens of this Commonwealth, and not directors in any other company, carrying on the business of insurance, and shall be elected on the first Tuesday in January, in each and every year, at such times of the day, and at such place in the town of Boston, as a majority of the directors for the time being shall appoint; of which election, public notice shall be given at least in two of the public newspapers, printed at Boston, at the time, and continued for ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors or president, and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided*, that no stockholder shall be allowed more than ten votes, and the stockholders not present, may vote by proxy, under such regulations as the said company shall prescribe.

Election by
ballot.

Proviso.

Choice of Pre-
sident.

SECT. 4. *Be it further enacted*, That the directors so chosen, shall meet, as soon as may be after every election, and shall choose out of their body, one person to be president, who shall preside for one year, and until another shall be chosen; and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve of any director, or of the president, or in case of any vacancy occasioned by either of them ceasing to be a stockholder, such vacancy or vacancies shall be filled for the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed, respecting annual elections for directors and president.

Board of Offi-
cers.

SECT. 5. *Be it further enacted*, That the president and six of the directors (or seven of the directors in the absence of the president) shall be a board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition

of the stock, property, estate and effects of said company, and the transfer of shares, and touching the powers, duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance or to the concerns of the company; and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowance to them, and to the president, as to the said board shall seem meet: *Provided*, such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of this Commonwealth.

Duties.

Proviso.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the directors, at least once a month, and as often within each month as the president and board of directors shall deem proper; and the president and a committee of three directors, to be by him appointed in rotation, shall assemble daily, if need be, for the despatch of business; and the said board of directors, and the committee aforesaid, at and during the pleasure of said board, shall have power and authority on behalf of the company, to make insurance upon vessels, freight, money, goods and effects, and in cases of money lent upon bottomry and respondentia, and to fix the premiums, risks and terms of payment; and all policies of insurance, by them made, shall be subscribed by the president, or in case of his death, sickness, inability, or absence, by any two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company; and the assured may thereupon maintain an action upon the case against said company; and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the president or board of directors, and the same shall be binding on the company.

Stated meeting.

(May insure against fire, 1819 ch. 12.)

SECT. 7. *Be it further enacted*, That it shall be the duty of the directors, on the third Tuesday of April and October in every year, to make dividends of so much of the interest arising from the capital stock and profits of the said company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be outstanding, at the time of making such dividends, shall not be considered as part of the profits of the company; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, before the whole amount of stock is paid in, each proprietor's or stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode, and at such time or times, as the directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that, once in every two years, and oftener, if required, by a majority of votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and

Dividends.

Accountability.

Dividends.

particular statement of the profits, if any there be, after deducting losses and dividends.

Restrictions,

SECT. 8. *Be it further enacted*, That the said Company shall not, directly or indirectly (except as is herein permitted for the investment of their funds) deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, and the capital stock of said Company, after being collected at each instalment, shall, within six months after payment of each instalment, be invested in United States' stock, or in the funded debt of this Commonwealth, or in the stock of the United States' Bank, or of any incorporated bank in this Commonwealth: *Provided*, that so much as the Company is at liberty to invest in real estate, may be kept in money or invested stocks, until the same shall be invested in real estate, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

Proviso.

Instalments.

SECT. 9. *Be it further enacted*, That fifty dollars on each share subscribed in said Company, shall be paid within sixty days after the first meeting of the said Company, in money, and the remaining sum due on each share within one year afterwards at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share shall be permitted or be valid until all the instalments shall have been paid in.

Property liable to attachment.

SECT. 10. *Be it further enacted*, That the property of any member of the said Company, vested in the stock of the said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, to wit; in addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, and the debtor's share or shares in the said Company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares not noted in the books of the Company previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed, where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchaser shall thereupon be entitled to the reception of all dividends and stocks to which the debtor was previously entitled; and upon any attachment being made or execution levied on any shares in said Company it shall be the duty of the Secretary of said Company, to expose the books of the Company to the officer, and furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends due thereon.

SECT. 11. *Be it further enacted*, That in case of any loss or

losses taking place that shall be equal to the amount of the capital stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, subscribing or consenting to make any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed or made.

Real estate held liable.

SECT. 12. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing any policy, and once in every year after, publish in two of the newspapers printed at the time in Boston, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Public notice.

SECT. 13. *Be it further enacted*, That the said President and Directors shall not be allowed to insure on any one risk, a larger sum than ten per centum of the amount of the capital stock of said Corporation actually paid in ; and the said Company shall not, at any one time, have at risk more than five times the amount of the capital stock paid in.

Limitation of risks.

SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same, under oath.

Repealed 1817 ch. 96.

Legislative examination of accounts.

SECT. 15. *Be it further enacted*, That three of the Directors shall at every annual election become ineligible to a re-election, and remain ineligible for one year, so that nine only of any Board, and the President, can be re-elected.

Elections.

SECT. 16. *Be it further enacted*, That the said William B. Swett, James Howe, Joseph Balch and Benjamin Thompson, or any three of them, are hereby authorized to call a meeting of said Company as soon, and at such place in the town of Boston as may be deemed expedient, by advertising the same for ten days, in two of the newspapers printed in said town, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday of January next following, and until others are chosen in their stead. [Dec. 5, 1816.] Add acts—1817 ch. 96 : 1819 ch. 12.

First meeting.

An ACT to incorporate the second Congregational Society in Greenfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Wells, Jonathan Leavitt, Jerome Ripley, Eliel Gilbert, George Grinnell, Ambrose Ames, Oliver Wilkinson, David Ripley, George Grinnell, jun. Quartus Wells, Abner Wells, Thomas W. Ripley, Franklin Ripley, John Russell, Asa Goodenough, Charles Stearns, Hooker Leavitt, John Dennio, Samuel Billings, Calvin L. Munn, Thomas Gilbert, Timothy Hall, Ansel Phelps, Guy Bordwell, Margaret Willard, Franklin Wells, Samuel Wells, jun. Timothy Hall, jun. Lucius Dickinson, Pliny Russell, Jonathan Smith, Elihu Severance, Alanson Clark, Ebenezer Newcomb, jun. Thomas Bridgman, Solomon Wells, Charles Lombard, Beriah Willard, John Russell, jun. Cyrus Martindale, Elizabeth Clap, Abner Wells, jun. James Fisk, Jonathan

Chap. 67.

Persons incorporated.

Peirce, Betsy Bird, Rhoda Wells, Mary Swan, Theodore D. Lyman, Daniel Wells, Ebenezer Billings, Guy Arms, Elijah Alvord, 2d. James K. Cutler, Peter T. Sprague, Asceneth Stebbins, Elihu Lyman, Silas Logan, Joshua Leavitt, Clarissa Williams, Ezekiel B. Wells, and Ezekiel Bascom, with their families and estates, with such others as may here associate with them and their successors, be, and they hereby are incorporated into a Religious Society, by the name of The Second Congregational Society in Greenfield, with all the powers, privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold real and personal estate, the annual income of which shall not exceed the sum of two thousand dollars, for the purpose of building a meeting-house and supporting public worship therein; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of the said Society and the management of their ministerial funds; *provided*, such by-laws and regulations shall be in nowise contrary to the laws and constitution of this Commonwealth.

May hold real and personal estate.

Proviso.

Continuity of salary.

SECT. 2. *Be it further enacted*, That the said Second Congregational Society in Greenfield shall be holden to pay their annual proportion of the salary of the Rev. Roger Newton, D.D. and it shall be lawful for the said town to cause the said salary to be assessed, collected and paid in the same manner as if the said town had continued one parish.

Conditions of accession.

SECT. 3. *Be it further enacted*, That any person living in the said town of Greenfield, who may at any time hereafter be desirous of joining the said Second Congregational Society, and shall certify the same to the Clerk of the said town, which certificate shall be recorded by the said Clerk, shall thereafter, with his or her polls and estate, become a Member of said Congregational Society; *Provided however*, that such person shall be held to pay to the parish or Society, which he or she shall leave as aforesaid, his or her proportion of all parish or Society taxes, assessed and not paid at the time of the filing such certificate with the town Clerk as aforesaid.

Conditions of further secession.

SECT. 4. *Be it further enacted*, That any Member of the said Second Congregational Society, who may at any time hereafter be desirous of leaving said Society, and joining any other parish or religious Society in the said town of Greenfield, and shall certify the same to the Town Clerk of said town, which certificate shall be recorded by said Clerk, shall thereafter, with his or her polls and estates become a Member of such other parish or religious Society: *Provided however*, that such person shall be held to pay to said Second Congregational Society, his or her proportion of all Society taxes, assessed and not paid at the time of filing said certificate with the said Town Clerk as aforesaid.

Justice to issue warrant.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Franklin, upon application therefor, be, and hereby is authorized and empowered to issue his warrant to some Member of said Second Congregational Society in Green-

field, requiring him to notify and warn the Members thereof to meet at such convenient time and place as shall be appointed in said warrant for the election of such officers as parishes are by law required to choose at their annual parish meetings, and to transact such other parochial business as may be authorized in said warrant. [Dec. 5, 1816.] See 1819 ch. 120.

An Act to incorporate the First Baptist Society in Westborough.

Chap. 70.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elisha Morse, John Beeman, Seth Grout, Asahel Bellows, Moses Morse, John Belknap, Seth Belknap, Josiah Warren, Noyes Bryant, Abner Warren, Lawson Graves, Josiah Hardy, Elisha F. Valentine, Lydia Haskell, George Andrews, Phineas Haskell, William Williams, John Johnson, Jonathan Pike, Jabez G. Fisher, Hannah Hawes, George W. Beeton, Seth Peirce, Joshua Mellen, Joshua N. Mellen, Elam Stearns, Elijah Fay, Amasa Maynard, Edward Bellows, and Judson Woods, with their families and estates, together with such others, being inhabitants of either of the towns of Westborough, Southborough and Northborough, in the county of Worcester, and Hopkinton, in the county of Middlesex, as have or may hereafter associate with them, for the same purpose in the manner hereinafter described, be, and they are hereby incorporated into a religious Society, by the name of The First Baptist Society in Westborough, with all the powers and privileges and immunities to which other parishes are entitled by the constitution and laws of this Commonwealth for religious purposes only.

Persons
incorporated.

SECT. 2. *Be it further enacted,* That any person in either of the said towns of Westborough, Southborough and Northborough, or Hopkinton, being of the Baptist denomination aforesaid, who may at any time hereafter actually become a Member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a Member of, and united in religious worship with the aforesaid Baptist Society in Westborough, fourteen days previous to the town or parish meetings therein, to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estate, be considered as part of said Society: *Provided however,* that such person shall be holden to pay the proportion of all money assessed in the town or parish, to which he or she belonged previous to that time.

Terms of
secession.

Proviso.

SECT. 3. *Be it further enacted,* That if any Member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he or she may reside, fourteen days at least before the annual town

Further seces-
sion.

or parish meeting to be holden therein, in the month of March or April, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner, as if he or she had never belonged to said Baptist Society.

Warrant for
meeting.

SECT. 4. *Be it further enacted*, That Nathan Fisher, Esq. be, and he is hereby authorized to issue a warrant, directed to some suitable Member of said Baptist Society, requiring him to notify and warn the Members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose, in the month of March or April annually. [Dec. 6, 1816.]

Chap. 71.
(1811 ch. 148.)
(1812 ch. 18.)
(1814 ch. 104.)

An ACT in further addition to an Act, entitled "An Act authorizing a Lottery for completing the repairs of Plymouth Beach."

Continuance of
lottery.

Managers'
bond.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Managers of the Plymouth Beach Lottery be, and they are hereby allowed to prosecute the business of said Lottery, until they shall have raised sixteen thousand dollars, with the necessary expenses attending the same, agreeable to the several acts passed on this subject; *provided* the Managers aforesaid shall, on or before the twenty-eighth day of February next, give an additional bond to the Treasurer of the town of Plymouth, in the sum of fifteen thousand dollars, conditioned to pay into the hands of the agent or agents for applying the money to the object of this grant, the proceeds of the said Lottery, agreeable to the several acts passed on said subject; and when they shall have raised said sum, and closed the concerns of said Lottery, shall make up and exhibit to the Selectmen of the town of Plymouth, a fair account of their whole proceedings, which, if approved and accepted by said Selectmen, the said Managers shall be entitled to the return of their bonds in two years from the date of said settlement, and so much of the second and fifth sections of the act, entitled "An act authorizing a Lottery for completing the repairs of Plymouth Beach," as are inconsistent with the provisions of this act, be, and the same are hereby repealed. [Dec. 9, 1816.]

(1811 ch. 148.)

Chap. 72.

An ACT to incorporate the New-England Religious Tract Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Bartlet, of Newburyport, Nehemiah Cleveland, of Topsfield, William Reed, of Marblehead, Joshua Bates, of Dedham, Henry Homes, of Boston, and their associates, be, and they hereby are incorporated and made a body politic, by the name of The New-England Religious Tract Society, for the purpose of publishing pious and useful books and tracts for distribution among the ignorant and destitute; and by that name may sue and be sued, plead and be impleaded, appear in Court, defend and prosecute to final judgment and execution; and, in

their said corporate capacity, they may have and use a common seal; and they and their successors forever, may take, possess and apply to the purposes of said Corporation, any monies which may be given for immediate use; and may hold as a permanent fund, any estate, whether real or personal, the yearly income of which shall not exceed fifteen hundred dollars, and the same shall be faithfully appropriated to the object aforesaid, and not otherwise.

SECT. 2. *Be it further enacted*, That said Corporation may, at the first legal meeting thereof under this act, and at any subsequent legal meeting, make and establish such rules and by-laws, not repugnant to the constitution or laws of this Commonwealth, as shall be found expedient for the management of their concerns; and may appoint such officers, and assign them such duties as the interest of the Corporation may require.

SECT. 3. *Be it further enacted*, That the first meeting of the said Corporation shall be held at Boston, on the Monday preceding the last Wednesday in May next, and that the said William Bartlet shall give notice of the time and place of meeting, by causing a suitable advertisement to be inserted in the Columbian Centinel, at least three weeks successively before said day. [Dec. 9, 1816.]

An ACT to incorporate the Trustees of the Ministerial Fund in the first parish in Cambridge. Chap. 74.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abiel Holmes, Loammi Baldwin, William Hilliard, Abraham Hilliard, Timothy L. Jennison, Jonas Wyeth, the 2d, and Abel Whitney, all inhabitants of the first parish in Cambridge, be, and they hereby are constituted a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the first parish in Cambridge; and they and their successors shall continue a body politic and corporate forever, by that name, for the purposes, with the rights and powers, and subject to the duties and obligations, hereinafter mentioned; and shall be vested with all other powers, incident to Corporations and requisite and necessary for those purposes; and by the same name may sue and be sued, in all actions, and pursue and defend the same to final judgment and execution: *Provided*, that the above named persons shall continue such Trustees as aforesaid, till said parish, at a parish meeting legally warned and holden for the purpose, shall elect seven persons, belonging to said parish, to be the successors of the above named persons in said Corporation, and until the persons, so chosen by said parish, shall accept the trust, and no longer.

SECT. 2. *Be it further enacted*, That said parish, if they see cause, may, annually, in March or April, at any legal meeting thereof, duly warned for the purpose, choose such number of Trustees as they shall judge proper, to be Members of said Corporation, instead of the same number of the then existing Members, who shall be designated by name in the vote of said parish.

Vacancies filled up.

SECT. 3. *Be it further enacted*, That whenever any vacancy happens among said Trustees, by death, resignation, removal, or otherwise, the said parish, at any parish meeting legally warned for that purpose, shall fill up said vacancy within one month after it shall happen; and, if said parish neglects so to do within that time, then said Trustees, by a major vote, shall have power to fill up such vacancy.

Funds.

SECT. 4. *Be it further enacted*, That the Trustees before mentioned, and their successors in office, be, and hereby are invested with power to demand, sue for, recover and receive all property, whether real, personal, or mixed, which now does, or which shall hereafter constitute said fund, or any part thereof, and all securities for, and evidences of such property, and to hold the same for the purposes mentioned in this act; and to receive and hold, for the purposes herein mentioned, all subscriptions, donations, grants, bequests, devises and appropriations, that may hereafter be made, for the support of the Congregational Ministry in said parish; *provided*, these, when added to the above mentioned fund, shall not exceed the annual income of two thousand dollars.

Internal regulations.

SECT. 5. *Be it further enacted*, That said Trustees may assemble and meet as often as they think necessary for the promotion of their trust, any four of whom shall constitute a Board for doing business, but the concurrence of four at least, shall be requisite to every act and proceeding whatever; they may determine the manner of calling their meetings; they shall appoint a Treasurer and Clerk, an Agent or Agents, and other needful Officers and Committees; they may make rules, regulations and by-laws, and annex to them penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at pleasure; and they may alienate, by good and sufficient deed, or deeds, any real estate, the title whereof shall be vested in them, by way of mortgage, execution, or by operation of law.

Duties of clerk.

SECT. 6. *Be it further enacted*, That the Clerk of said Corporation, who shall be a Member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of his office; shall have the care and custody of all papers and documents belonging to said Trustees, excepting those, the care and custody of which are hereinafter given to the Treasurer; and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereunto required; and he shall call meetings when he may think the same necessary, or when thereto directed by said Trustees; and do whatever else may be incident to his office; and he shall deliver up to his successor in office, as soon as may be, all the papers, records and documents in his hands, in good order and condition; and if he shall neglect so to do, for thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such neglect afterwards.

Penalty.

SECT. 7. *Be it further enacted*, That the Treasurer shall give

bond to said Trustees and their successors, with sufficient sureties, to be approved by them, in such penal sum as they shall require, amounting, at least, to twice the value of the fund, which they shall then hold and have the management of, for the purpose aforesaid, with condition to do and perform all the duties incumbent on him as Treasurer; and he shall be the receiver of all money and effects due, owing and coming to them; and may demand, sue for and recover the same, in their name, unless prohibited by them; and he shall have the care and custody of the money and effects, obligations and securities for the payment of money, or other things, and evidences of property belonging to said Trustees, and be accountable to them therefor; and shall dispose of the same as they shall order and direct; and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done: and he shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property, in his hands, in good order and condition; and if he shall fail to deliver up the same as aforesaid, for the space of ten days next after such Treasurer shall be duly chosen, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such failure or neglect afterwards.

Duties of Treasurer.

Penalty.

SECT. 8. *Be it further enacted*, That it shall be the duties of the said Trustees to use, manage and improve such fund, or estate, as shall be vested in them, by virtue of this act, with care and vigilance, so as best to answer and promote the design thereof; and they shall be amenable to the inhabitants of said parish for negligence, or misconduct in the management or disposition thereof, whereby the same may be impaired, or suffer loss, waste, or diminution; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said Trustees, and their goods and estate, jointly and severally, for such negligence or misconduct, and recover adequate damages therefor; any sum so recovered shall be for the benefit of said fund, and shall be paid to said Trustees, who may have an action of debt therefor accordingly.

Disposition of funds.

SECT. 9. *Be it further enacted*, That said Trustees shall cause to be recorded and kept in their book of records, by their Clerk, a correct statement of the funds and estate in their hands, wherein shall be particularly designated, so far as practicable, the nature and amount of each original grant, devise, donation or purchase, the period when made, the design thereof, and the name of the grantor, deviser, donor, or vender, with his or her name, place of abode and addition, with such other facts and circumstances, as they shall think useful and proper, to distinguish the same and perpetuate the remembrance thereof; and they shall make a report of such statement to the inhabitants of said parish, at their meeting in the month of March or April annually, where the same shall be publicly read, or to a select Committee, if said parish shall choose one for that purpose; to

Records.

Annual report.

gether with a specific estimate of what estate they actually hold and by what tenure ; what money and effects are due to them, and how the same are secured ; and what receipts have been obtained, and what disbursements made by them, the preceding year.

Appropriation
of income.

SECT. 10. *Be it further enacted*, That said Trustees shall loan upon interest, at least, one half of all the money belonging to said fund, upon the bond, or note of the borrower, with a mortgage of real estate of double the value of the sum loaned, as collateral security for the repayment of the principal sum, with the interest annually, till paid, and the other half thereof they may loan as aforesaid, or vest in any of the public stocks, funds or banks of this Commonwealth ; and said Trustees may appropriate the income of said fund, according to the intention of the donor, or donors, within the provisions of this act ; so far as the manner of appropriation has been or shall be prescribed by such donor or donors ; but as to those parts of said fund, in relation to which the donor or donors have not, or shall not prescribe the manner of appropriation, said Trustees shall apply at least one third of the income thereof to augment said fund until the annual income of said fund shall amount to one thousand dollars, and then said Trustees may appropriate the whole interest of said fund, or any part thereof, so long as the annual income shall continue to be one thousand dollars, for the support of the Congregational Ministry in said first parish, as said parish shall from time to time direct ; but in no case to lessen, or make use of, any part of the principal ; and should said Trustees be possessed of a fund, the annual income whereof shall be more than sufficient to pay the salary or salaries of such Congregational Minister or Ministers, as shall be regularly ordained and settled in said parish by the joint-concurrence of the inhabitants and church thereof, the surplus may be applied for the support of schools for teaching the principles of piety, morality and religion, and for teaching sacred music, or either of them, as said parish shall from time to time direct, or may be appropriated to increase said fund, within the limitation aforesaid : *Provided*, that nothing herein contained shall be construed to alter, impair, vacate, or in any way effect the contract now existing between said parish and their present Minister ; but the proceeds of said fund, whenever the same shall be paid to him, shall be deemed to be in satisfaction of his salary, for the time being, so far as the same will apply to the discharge thereof.

Proviso.

Responsibility
of Trustees.

SECT. 11. *Be it further enacted*, That if said Trustees shall fail to pay the annual income of said fund to the Congregational Minister, at any time legally settled in said parish, or so much thereof as such Minister shall be entitled to, for the space of thirty days after the same shall become payable, or they shall neglect to make report to said parish in March or April, annually, or to a select Committee, as in this act directed, they shall severally forfeit, for each offence, the sum of fifty dollars, and the further sum of thirty dollars per month afterwards, until

they shall make payment as aforesaid, and until they shall prepare such report as aforesaid, and give notice thereof to the Clerk of said parish : Saving always, that said Trustees shall not be liable to the forfeiture aforesaid, for failing to make such payment as aforesaid, of said income, or so much thereof, as such Minister shall be entitled to, if they use due diligence to get possession of said income, and make payment thereof as aforesaid, on demand, after they shall have the possession thereof.

SECT. 12. *Be it further enacted*, That said Trustees shall be entitled to a reasonable compensation, to be paid by said parish, for their services and risk in managing and taking care of said fund and estate ; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

Compensation
to Trustees.

SECT. 13. *Be it further enacted*, That all fines and forfeitures incurred for any breach of this act, shall and may be recovered by action of debt by the inhabitants of said parish, if they shall sue for the same within six months after the same shall be incurred, for the use and benefit of said fund, and to be paid to said Trustees accordingly—otherwise by any person who shall sue therefor, one moiety thereof to his own use, and the other moiety thereof to the use and benefit of said fund, and shall be paid to said Trustees accordingly ; and they may have and maintain an action of debt, to recover the same.

Parish may
sue.

SECT. 14. *Be it further enacted*, That the above-named Loammi Baldwin, William Hilliard, and Abraham Hilliard, or any two of them, are hereby authorized and directed to appoint the time and place for holding the first meeting of said trustees, and to warn such meeting accordingly. [Dec. 9, 1816.]

First meeting.

An ACT to incorporate the Trustees of the Salem-street Academy.

Chap. 75.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Rev. Asa Eaton, Shubael Bell, Thomas Clark, John Rice, Benjamin Smith, James W. Burditt, Nathaniel Faxon, John Odin, Scammel Penniman and Benjamin Clark, be, and they hereby are created a body politic and corporate, by the name of "The Trustees of the Salem-street Academy," and that they and their successors shall be and remain a body politic and corporate, under that name forever.

Persons incor-
porated.

SECT. 2. *Be it further enacted*, That the said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the trustees to meet at such meetings ; and also from time to time, to elect a president, treasurer, secretary, and such other officers of said corporation, as they shall judge expedient : Also to make orders, and enact, as occasion may require, a constitution, and such rules and regulations and by-laws, as they may think proper, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of an academy, erected in Salem-street, in the town of Boston.

Choice of offi-
cers.

Regulations.

SECT. 3. *Be it further enacted*, That the president and trus-

Power of trustees. trustees shall have full power and authority, from time to time, as they may determine, to elect a preceptor, and such assistants, as they may judge proper, to manage the literary concerns of said academy, to fix the salaries of each, and also to remove the preceptor and assistants, when, in their judgment, they shall deem him or them incapable of discharging the duties of their offices, or shall neglect to perform the same. And also to supply any vacancies that may happen by death, resignation or otherwise, in their board; *provided nevertheless*, that the number of trustees, including the president, shall never be more than five, nor less than three.

Proviso.

SECT. 4. *Be it further enacted*, That the said corporation may have a common seal, which they may break, alter or renew at pleasure; and that all deeds and conveyances, signed and delivered by the treasurer, and sealed with their seal, by order of the president and trustees, shall, when made in their corporate name, be considered as binding on the corporation. And that the said corporation may sue and be sued, appear in court, plead and be impleaded, in all actions, real, personal or mixed; and may prosecute the same to final judgment and execution, by the name of the Trustees of the Salem-street Academy; and that the said corporation shall have power to hold, and take, by gift, grant, devise or otherwise, any lands, tenements or other estates, real or personal; *provided* the annual clear income of the same does not exceed three thousand dollars.

May sue and be sued.

First meeting.

SECT. 5. *Be it further enacted*, That James W. Burditt be, and he hereby is authorized and empowered to call the first meeting of the corporation, by leaving a written notification at the house of each trustee, at least three days previous to the meeting. [Dec. 9, 1816.]

Chap. 77.

An ACT to establish an Academy in the town of Kingston.

Location.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be and hereby is established in the town of Kingston, in the county of Plymouth, an academy, by the name of the Kingston Academy, for the purpose of promoting piety and virtue, and for the education of youth in the languages, and such of the liberal arts and sciences, as the trustees hereafter named shall order and direct.

Trustees.

SECT. 2. *Be it further enacted*, That Martin Parris, Esq. Rev. Morrill Allen, and Dr. Zacheus Bartlett, be, and they hereby are nominated and appointed trustees of said academy, and are incorporated into a body politic, by the name of the Trustees of Kingston Academy; and they and their successors shall be and continue a body politic and corporate, by the same name, forever; and shall have a common seal, which they may break, alter and renew at pleasure; and may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Kingston Academy; and shall have power and authority to elect such officers as they shall judge necessary, and make and ordain such laws, rules and or-

May sue and be sued.

ders, not repugnant to the laws of this Commonwealth, for the government of said academy, as to them shall seem fit and requisite.

SECT. 3. *Be it further enacted*, That the number of the trustees aforesaid shall not at any one time be more than seven, nor less than five, three of whom shall be necessary to make a quorum for transacting business; and the trustees aforesaid shall have power to fill all vacancies, and, within three months from the date of this Act, shall fill up the first board of trustees; and may, when said board shall consist of at least five trustees, hold, by grant, gift or devise, any estate, real or personal, which hath been heretofore given, granted, devised, or subscribed, or which may hereafter be given, granted, devised, or subscribed, for the purposes aforesaid; *provided*, the annual income of said estate shall not exceed three thousand dollars; and all deeds and instruments, lawfully made by said trustees, and sealed with their seal, shall bind said trustees and their successors in office.

Number and power of trustees.

Proviso.

SECT. 4. *Be it further enacted*, That Martin Parris, Esq. be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said trustees, and notify them thereof. [Dec. 11, 1816.]

First meeting.

AN ACT to divide the town of Dennis into two Parishes.

Chap. 78.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of Dennis, in the county of Barnstable, shall be, and hereby is divided into two separate parishes, to be known as the North Parish, and the South Parish, by the following described lines, viz: Beginning at the division line between the towns of Yarmouth and Dennis, in the road to Chatham, near the Weldens'; thence easterly in said road opposite the house of Seth Bangs; thence easterly on such a course as to strike the easterly line of the said town of Dennis at a point therein, which is the northwest corner of the town of Harwich, and the southwest corner of the town of Brewster, near the White Pond, so called. And the said parishes are respectively invested with all the corporate powers and privileges, and shall also be subject to all the duties and requirements of other parishes or religious societies, according to the constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *Be it further enacted*, That the public ministerial property in the said town of Dennis, shall be divided in such proportion as may be found and determined by the ministerial tax which was assessed for the present year, at the last assessment, made in the year of our Lord one thousand eight hundred and fifteen. And each parishioner shall be taxed for his ministerial tax, on his whole property, in that parish only in which he may dwell or reside.

Division of property.

SECT. 3. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, is hereby empowered to issue a warrant directed to a freehold inhabitant in each of said parishes, respectively, requiring him to notify and warn the in-

Meeting for the choice of officers.

habitants in his own parish, to meet at such convenient time and place as shall be appointed in said warrant, to elect and appoint such officers as parishes are by law empowered and required to choose and appoint, at their annual parish meetings. [Dec. 11, 1816.]

Chap. 85.

An ACT to incorporate an association, for the support of a Parsonage in the town of Oxford.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled. and by the authority of the same,* That Nathan Hall, Elias Pratt, John Meriam, Stephen Prince, Sylvanus Town, Charles Town, Peter Butler, Ebenezer Meriam, Abijah Davis, Archibald Campbell, James Gleason, Samuel Coburn, Joseph Brown, jun. Martha Kingsbury, and David Nichols, be, and hereby are incorporated into a body politic, by the name of the Oxford Ministerial Association; and they and their successors shall be, and continue a body politic and corporate by that name forever; and they may have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal and mixed; and may prosecute and defend the same to final judgment and execution.

Parsonage.

SECT. 2. *Be it further enacted,* That said association be, and hereby are authorized to raise, by subscription, the sum of four thousand dollars, to be appropriated to the purpose of purchasing land, whereon to erect a parsonage house, for the use of the Congregational minister in the town of Oxford, and for building said house and other necessary out-houses, under the direction of trustees, to be chosen as is hereinafter provided; and the said land and buildings shall forever continue the property of the association for the use aforesaid, and no other.

Shares trans-
ferable.

SECT. 3. *Be it further enacted,* That said property shall be divided into twelve equal shares, to be distributed among the members of said association, proportionally as they shall subscribe for the same; and said shares shall, at all times, be transferable, and may be conveyed, by deed or otherwise; and the owners of said shares, or parts thereof, shall be members of said association; and no person shall continue a member when he or she shall cease to have an interest in the shares aforesaid.

Annual meet-
ing for choice
of officers.

SECT. 4. *Be it further enacted,* That there shall be a meeting of said association on the first Monday of March annually, at which time there shall be chosen three or more trustees, a clerk, treasurer, and such other officers as may be necessary to manage the concerns of the association; and said trustees shall have the care and superintendence of the property aforesaid, and shall see that the same is exclusively appropriated for the purposes before-mentioned; and shall render an account of their doings annually, and as much oftener as they may be required; and said trustees shall give bond to the treasurer for the time being, in such sum as the association shall direct, conditioned faithfully to discharge their trust.

SECT. 5. *Be it further enacted,* That whenever a vacancy may

occur in any office, by death, resignation or removal from town, a meeting of the association shall be convened, as soon as may be, by the clerk or treasurer, by posting up a notification at the meeting house, or some public house or houses in Oxford, at least seven days before the time of said meeting; at which meeting or an adjournment thereof, the vacancy may be supplied: And the members of said association shall have power, at any meeting regularly convened, to form and adopt such rules, regulations and by-laws as may be thought necessary; *provided* the same be not repugnant to the constitution or laws of this Commonwealth.

Vacancies supplied.

SECT. 6. *Be it further enacted*, That at all meetings of the association, each share shall be entitled to a vote; and if any share be holden by more than one individual, those owners thereof who shall be present, or shall have constituted a proxy, shall, together, be entitled to one vote, and no more.

Votes.

SECT. 7. *Be it further enacted*, That either of the Justices of the Peace in the town of Oxford, may issue his warrant, directed to some member of said association, requiring him to notify and warn the first meeting thereof, at such time and place as said warrant shall designate; at which meeting, the same being duly notified and convened, the said association shall be organized, and proper officers chosen. [Dec. 11, 1816.]

Justice may call meeting.

An ACT authorizing the President, Directors and Company of the State Bank to reduce their capital stock.

Chap. 86.
1811 ch. 84.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the first day of March next, the capital stock of the President, Directors and Company of the State Bank shall consist of a sum not more than three millions of dollars, nor less than eighteen hundred thousand dollars, as the same shall be determined at a meeting of the stockholders of said bank, to be holden as hereinafter provided; the number of shares to be the same as at present established by law: *Provided however*, that no dividend of the capital stock of said bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of the corporation, that there exists in said bank, funds belonging to said corporation sufficient to pay all their bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided; *provided also*, that nothing herein contained shall be construed to affect the liability of the corporation, or the individual stockholders, as established by the original Act incorporating said bank; *and provided also*, that this Act shall not authorize the reduction of the capital stock aforesaid, unless before the said first day of March next, the stockholders of said bank, at a legal meeting, to be called for the purpose, shall, by a majority of legal voters then present, agree to the provisions hereof; *and provided also*, that the sum, to which the now existing capital stock of said bank shall be reduced, as is herein before provided, shall be and continue the permanent

Diminution of stock.

Proviso:

capital stock of said bank until the same shall be altered by law.

Tax.

SECT. 2. *Be it further enacted.* That the said President, Directors and Company shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall actually be reduced and the amount of such reduction divided and ordered to be paid over to the several and respective stockholders. [Dec. 11, 1816.]

Chap. 89.

An ACT to reduce the Capital Stock of the Boston Bank.

1812 ch. 34.

Diminution of stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first Monday of April, in the year of our Lord one thousand eight hundred and seventeen, the capital stock of the corporation, created by an Act of the legislature, passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, by the name of the President, Directors and Company of the Boston Bank, be and the same hereby is reduced to the sum of nine hundred thousand dollars.

Shares.
(12000, by
1817 ch. 6.)

SECT. 2. *Be it further enacted,* That the number of shares in said bank shall, from and after the said first Monday of April, be twelve hundred, and that each share shall be of the estimated or nominal value of seventy-five dollars.

Competency of funds.

SECT. 3. *Be it further enacted,* That no dividend of the capital stock of said bank, as now existing, shall be made until proof shall have been made to the satisfaction of the governor and council, or of commissioners by them appointed, at the expense of said corporation, that there now exists in said bank funds belonging to said corporation, sufficient to pay all notes in circulation, and all deposits, and other demands existing against the same beyond the sum then to be reduced : and that nothing contained in this Act shall be construed to affect the liability of the corporation, or the individual stockholders, as established by the original Act incorporating said bank, or any other existing law. And the said corporation shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes paid.

Tax.

Loans to state.

SECT. 4. *Be it further enacted,* That the liability of the President, Directors and Company of the Boston Bank to loan to the Commonwealth, shall be in proportion to the sum of the capital of said corporation, when reduced as aforesaid. [Dec. 13, 1816.] Add. act—1817 ch. 6.

Chap. 90.
1799 ch. 31.
(V. 2. p. 339.)
1809 ch. 28.

An ACT in further addition to an Act, entitled "An Act to regulate the paying of streets in the town of Boston, and for removing obstructions in the same."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.*

That the selectmen of the town of Boston, for the time being, whenever in their opinion the safety or convenience of the inhabitants of said town shall require it, shall be, and they hereby are empowered to discontinue any street, lane or alley of the said town, or to make any alteration in the same, in part or in whole; reserving however, in all cases, to individuals who may sustain damage thereby, recompense for the same, to be ascertained and allowed in the same manner as is provided in the Act, entitled "An Act in addition to an Act entitled An Act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same." Powers.
1804 ch. 73.
(V. 3. p. 506.)

SECT. 2. *Be it further enacted*, That all orders, votes and determinations of the said selectmen of the town of Boston, heretofore had and passed for the discontinuance of any street, lane or alley of the said town, or respecting any alteration in the same, in whole or in part, shall be held and considered as good and valid to all intents and purposes, as if the said Act to which this is in addition, had explicitly vested said authority in the said selectmen; reserving always to individuals recompense for damages sustained thereby as is provided in the said Act. Orders, votes,
&c. valid.

SECT. 3. *Be it further enacted*, That the selectmen of the town of Boston shall keep a record of all the streets, lanes and alleys of the said town, and of all the votes and proceedings relative to the same; and that copies thereof, certified by the town clerk, shall be valid to all intents and purposes. Records.

SECT. 4. *Be it further enacted*, That from and after the passing of this Act, no person shall raise up from any street, wharf or place of public resort within the town of Boston, for the purpose of storing the same, any cask, bale of goods, or other articles of merchandize, into the second or any higher story of any house, store or other building upon or adjoining the same, and on the outside of such buildings, and that no person shall deliver from the second or any higher story of any house, store, or other building on the outside of the same, which shall adjoin upon any street, wharf, or place of public resort, within the said town of Boston, any cask, bale of goods, or other article of merchandize, except at such times and places, and under such restrictions and limitations, as the selectmen, for the time being, shall by writing authorize and direct. And every person who shall offend in manner aforesaid, shall forfeit and pay to the Commonwealth, for each and every such offence, a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by indictment in the Municipal Court, for the town of Boston, with costs of prosecution; *provided*, that this shall not be construed to extend to the raising any materials or other articles which may be necessary in erecting, repairing or taking down any building within the said town of Boston, or for the convenience thereof, or for removing any merchandize or other article in case of danger by fire, or other inevitable casualty. Prohibitions.
Penalties.
Proviso. [Dec. 13, 1816.] Add. act—1817 ch. 6.

Chap. 92. An ACT to incorporate the Provident Institution for Savings in the town of Boston.

*Persons incor-
porated.* SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That his Honor William Phillips, John Phillips, Samuel Parkman, James Perkins, Thomas Dawes, John Lowell, Russel Sturgis, Jonathan Hunewell, Josiah Quincy, John D. Williams, James Prince, Thomas K. Jones, Richard Sullivan, Redford Webster, William Little, Samuel Snelling, Jesse Putnam, Esquires, Reverend Thomas Baldwin, D. D. Reverend William E. Channing, Reverend Charles Lowell, William Mackay, Elisha Ticknor, Jonathan Amory, jun. Samuel H. Walley, John L. Sullivan, John Bellows, Joseph Coolidge, jun. John Richards, Ozias Goodwin, John Dorr, Samuel May, Gedney King, William Ropes, Andrew Ritchie, Edward Tuckerman, jun. William Harris, David Greenough, Thomas Motley, Benjamin Smith, David W. Child, Gideon Snow, Edward Craft, Jacob Hiler, Jonathan Phillips, William Cochran, Nathaniel G. Snelling, Lewis Tappan, and James Savage, be, and they hereby are incorporated into a society, by the name, style and title of "The Provident Institution for Savings in the town of Boston;" and that they, and such others as shall be duly elected members of the said corporation, as is in this act provided, shall be, and remain a body politic and corporate, by the same name, style and title forever.

Deposits, SECT. 2. *Be it further enacted,* That the said society and corporation, shall be capable of receiving, from any person or persons disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

*Disposition of
the Funds.* SECT. 3. *Be it further enacted,* That all deposits of money received by the said society, shall be by the said society used and improved to the best advantage; and the income or profit thereof, shall be by them applied and divided among the persons making the said deposits, their executors or administrators in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times and in such manner as the said society shall direct and appoint.

*Annual meet-
ings.* SECT. 4. *Be it further enacted,* That the said society and corporation shall, at their annual meeting in December, have power to elect, by ballot, any other person or persons as members of the said society.

*General pow-
ers.* SECT. 5. *Be it further enacted,* That the said society may have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the same Corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style and title aforesaid.

SECT. 6. *Be it further enacted,* That the said society shall

hereafter meet at Boston, sometime in the month of December annually, and as much oftener as they may judge expedient; and any seven members of the said corporation, the president, a vice president, treasurer, or secretary being one, shall be a quorum; and the said society, at their meeting in December annually, shall have power to elect and choose a president, vice-president and all other such officers as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their room; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Election of
Officers.

SECT. 7. *Be it further enacted*, That the said society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the corporation; *provided* the same are not repugnant to the constitution or laws of this Commonwealth.

By laws.

SECT. 8. *Be it further enacted*, That his Honor William Phillips, Esq. be, and he hereby is authorized, by public notification, in two of the Boston newspapers, to call the first meeting of the said society, at such time and place, as he shall judge proper. [Dec. 13, 1816.]

First meeting.

AN ACT, in addition to an act, entitled "An act for incorporating certain persons therein named, by the name of the Trustees of the Church and Congregation in the second precinct in Pembroke."

Chap. 93.
1794 ch. 29.
(V. 2. p. 5.)

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inhabitants of the second precinct in Pembroke, in the county of Plymouth, be, and they hereby are authorized, at any legal meeting, by them called for that purpose, to choose by ballot, two or more trustees, in addition to the number now appointed, under an act, entitled "An act for incorporating certain persons therein named, by the name of the Trustees of the Church and Congregation of the second precinct in Pembroke;" *provided*, the whole number of trustees shall not exceed nine, nor be less than five: and the trustees, so chosen, as aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements of the present board; and all future compensation of said board of trustees for services, shall be paid by the precinct, and shall not be taken from the fund, or its proceeds in their hands.

Additional
trustees,

Proviso,

SECT. 2. *Be it further enacted*, That all future vacancies in said board, shall be filled by said precinct, at any legal meeting of the same; and a majority of the whole board shall constitute a quorum for the transaction of business; and so much of the act aforesaid, to which this is in addition, as is inconsistent with the provisions of this act, shall be, and the same is hereby repealed. [Dec. 13, 1816.]

Vacancies
filled up.

AN ACT to incorporate the second Society of Universalists in Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Richard Faxon, John Brazer, Edmund Wright, Benjamin Russell, Thomas Wiley, Daniel C. Robinson, Martin Her-

Chap. 96.

Persons
incorporated.

sey, Nathaniel Hammond, Addison Bacon, William Barry, Levi Melcher, Elijah Loring, Caleb Wright, Pelatiah Rea, Daniel E. Powers, Joseph Badger, Samuel Hastings, Winslow Wright, Daniel Johnson, John Trull, and John Blunt, jun. and all others who may associate with them, be, and they hereby are incorporated as a religious society, by the name of the Second Society of Universalists in the town of Boston, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law.

Proviso.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society; *provided*, the annual income thereof shall not exceed at any time the value of three thousand dollars.

Assessments.

SECT. 3. *Be it further enacted*, That the committee of the said society, chosen at any legal meeting thereof, shall be authorized to raise, by assessment on each member of said society, such sum or sums of money as may be by them considered a proportionate part of the expenses of settling and maintaining such minister or ministers of the gospel, as the society may call and elect, and the contingent expenses of the society; and generally to do and transact all business for the said society as they may think fit and proper.

Meeting for
choice of offi-
cers.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Suffolk, be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof to meet at such convenient time and place, in said town of Boston, as shall be therein directed, to choose a moderator, a clerk, a treasurer and such other officers, committee or committees, as they shall think needful. And the moderator, so chosen. and moderators, chosen at any future meetings of the said Society, shall have authority to administer the oaths of office to the clerk and any other officers which the society shall think proper to elect, and from whom the said society may think it necessary and proper, by a vote in any of its meetings, to require an oath, for the faithful discharge of the duties of their office. [Dec. 13, 1816.]

Chap. 97.

1812 ch. 46.
1813 ch. 26.

An ACT in further addition to an act, entitled an act to incorporate the President, Directors and Company of the Mechanics' Bank in Newburyport.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the number of directors in the Mechanics' Bank in Newburyport, shall be seven, four of whom shall be a quorum, any thing in the act to which this is in addition to the contrary notwithstanding. [Dec. 13, 1816.]

Chap. 100.

An ACT to incorporate the Congregational Society in the town of Southbridge.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Daniel Morse, Joshua Harding, Samuel Newell, Oliver Plimpton, Jason Morse, Freeman Pratt, Frederick William Bottom, Fletcher Foster, Abel Mason, jun. Timothy Paige,

George Sumner, Oliver Mason, jun. James Wheelock, Ralph Harding, Elbridge G. Harding, Salem Marsh, Calvin Ammidown, Joseph Clark, Abel Mason, Ralph Wheelock, Waterman Potter, Pliny Arnold, Ebenezer D. Ammidown, Asahel Prouty, Oliver Mason, Smith Foster, Duty Marsh, jun. Moses Mason, Henry Hooker, Abijah Richardson, Parker Morse, John Rider, Munson Morse, Enoch Bacon, Stephen H. Eastabrook, Corban Lyon, John Newhall, Jonathan Green, George Gleason, Nathaniel Marsh, David Atherton, Smith Ellis, Denison Wheelock, Duty Marsh, John Marsh, Alpheus Foster, Joseph Eaton, Moses Wheelock, Aaron Putnam, John Marsh, jun. Joel Walker, Dresser Bacon, Benjamin Walker, Hinsdale Foster, Davis Wheelock, Calvin Wheelock, Luther Wheelock, Chauncy Plimpton, Samuel Austin Groves, Samuel Lewis Newall, Bela Carpenter, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated as a religious society, by the name of the Congregational Religious Society in Southbridge, with all the powers and privileges which other religious societies enjoy, according to the laws and constitution of this Commonwealth.

SECT. 2. *Be it further enacted*, That any person who may, at any time hereafter, actually become a member of, and unite in religious worship with said congregational society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate, signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said congregational society, fourteen days previous to the parish meeting therein, to be held in the month of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Membership

Proviso.

SECT. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said congregational society, and a certificate, signed by the minister or clerk of the parish, or other religious society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish, or such other religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving in such certificate, with his or her polls and estate, be considered as a member of the society with which he or she may so unite.

Secession.

SECT. 4. *Be it further enacted*, That any Justice of the Peace in the town of Southbridge, be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable

Meeting to
choose officers.

member of said society, requiring him to notify and warn the members of said society, qualified to vote in parish affairs, to meet at such time and place in the said town of Southbridge, as shall be appointed in said warrant, to choose such parish officers as are by law required to be chosen in the months of March or April annually, and to transact all other matters and things necessary to be done in said society. [Dec. 13, 1816.]

Chap. 103.

An Act for the more effectual regulation of the Market in the town of Salem, and for other purposes.

Rules and
orders.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Salem, for the time being, be, and hereby are authorized to make any rules and orders, not repugnant to the constitution or laws of this Commonwealth, for the due regulation and government of the Market-house of said town, and of the Market-carts, waggons, sleds, sleighs, and other vehicles or carriages, used for marketing in said town, and of the marketmen who frequent said town for the purpose of buying and selling provisions and other commodities in open market; and the said Selectmen be, and hereby are authorized to appoint, from time to time, suitable places in the streets, squares and other public places in said town, in which all waggons, carts, sleds, sleighs, or other vehicles or carriages, containing provisions, wood, hay, barrels, or other commodities for sale in open market, shall stand, for the purpose of such sale; which rules and orders, when approved by the inhabitants of said town, in legal town-meeting assembled, shall be and become by-laws of said town, and shall be binding upon all persons whomsoever. And such rules and orders, when so approved, shall be published in all the newspapers printed in said town. And if any person or persons shall, after the same shall have been published as aforesaid, offend against any of such rules or orders, he, she or they shall, for each offence, forfeit and pay a sum not exceeding ten dollars, to be recovered on complaint of either of the Selectmen of said town, or of any person or persons who shall be appointed by them as Inspector or Inspectors of the Police of said town, before any Justice of the Peace for the county of Essex, resident in said town, or elsewhere in said county. And all fines and forfeitures, recovered on any such complaint, shall be paid to the Overseers of the Poor of said town, to be distributed among such poor, according to the discretion of the said Overseers.

Penalties.

Averment on
complaints.

SECT. 2. *Be it further enacted,* That in every such complaint under this act, as well as in all other complaints for breaches of any of the by-laws of said town, it shall be sufficient summarily to state the offence, and to conclude with an averment that the same is against the by-laws of the said town, without reciting the by-law or by-laws on which such complaint shall have been founded, or the time or manner in which the same was or were passed or approved.

SECT. 3. *Be it further enacted,* That until such rules and

orders shall be made by the Selectmen of said town, and approved as aforesaid, the present by-laws of said town upon the same subject shall be binding to all intents and purposes upon all persons coming within the purview thereof. And for breaches of the same by-laws, the same remedies may be had and pursued, in the same manner as is provided in this act for breaches of the rules and orders hereafter to be made and approved as is herein provided. [Dec. 13, 1816.]

Regulations,

An ACT to incorporate the West-Cambridge Baptist Society.

Chap. 105.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Frost, Benjamin Locke, Nathaniel Goddard, Isaac Cutter, Gershom Swan, Philemon R. Russell, Aaron Cutter, Samuel Jones, Timothy Swan, Samuel Cutter, Isaiah Jenkins, William Locke, James Locke, William Locke, jun. Elkanan Blanchard, Elizabeth Williams, Mary Cutter, Peter Swan, and Philemon R. Russell, jun. together with their families and estates, and such other persons as may hereafter join them and their successors, be, and they are hereby incorporated into a Religious Society, by the name of The West-Cambridge Baptist Society, with all the powers, rights, privileges and immunities, and subject to all the duties to which other Religious Societies within this Commonwealth are by law and the constitution respectively subject and entitled.

Persons incorporated.

Powers.

SECT. 2. *Be it further enacted,* That said Society, so incorporated, shall have power to receive, by donation or otherwise, and to purchase, hold and enjoy such real and personal estate, as they may deem necessary for the due support of religious worship in said Society; *provided,* the same shall not exceed in value the sum of thirty thousand dollars.

May hold real estate.

SECT. 3. *Be it further enacted,* That James Frost of Cambridge, Benjamin Locke, of West-Cambridge, and Philemon R. Russell of Charlestown, be, and they hereby are appointed Trustees, to receive and manage any donations, legacies or devises, for the use and benefit of the said Society; and the said Trustees, or any two of them are authorized to appoint a Treasurer; and the said Trustees and said Treasurer shall give bond to the said Society, to be approved by said Society at a legal meeting thereof, for the faithful execution of their trust; and the said Trustees and Treasurer shall be accountable to said Society; and shall, as often at least as once in every year, pay over to the Treasurer of said Society, when required by their vote, the interest or proceeds of any estate or funds held by them for the use and benefit of said Society: *Provided* however, that if any donation, legacy or devise, shall be expressly limited by the donor or testator thereof, to Trustees by him or her particularly named, the same shall enure to the use and benefit of said Society, in such manner and under such limitations as shall be consistent with the intention of such donor or testator.

Trustees to appoint other officers.

Proviso.

SECT. 4. *Be it further enacted.* That whenever any vacancy shall happen in the Board of Trustees above-named, by death,

Vacancies filled up.

resignation or otherwise, the same shall be forthwith filled by the said Society by ballot, at a meeting, to be called for that purpose, by any Justice of the Peace agreeably to the provisions of this act, or the by-laws of the said Society.

First meeting.

SECT. 5. *Be it further enacted*, That Thomas Clark, Esq. of Watertown, shall have power to appoint and notify the first meeting of said Society, for the purpose of organizing the same, by the choice of a Clerk and other proper officers, and of establishing such by-laws as may be necessary for the future convenient management of the concerns of the said Corporation.

Annual meetings.

SECT. 6. *Be it further enacted*, That it shall be the duty of the Clerk of the said Society, on his being elected to that office, to take an oath before some Justice of the Peace for the faithful discharge of the duties of his office, and to notify the Members of said Society to meet annually in the months of March or April, to elect proper officers, and to transact the business of the Society; and all other meetings which shall be necessary according to the provisions of this act, by giving such notice as shall be directed by the by-laws of said Society. [Dec. 14, 1816.]

Chap. 106.
See 1796 ch. 55.
(V. 2. p. 120.)
1810 ch. 74.

An ACT authorizing the Protestant Episcopal parish of St. Andrews, in the county of Plymouth, to sell certain lands.

Power to sell lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Wardens of the Protestant Episcopal parish of St. Andrews, in the county of Plymouth, for the time being, be, and they are hereby authorized to make sale of two pieces of land lying in the town of Scituate, in said county, containing seven acres and six rods, granted said parish, by Addington Davenport, at public auction, at any time and place they may think proper, giving thirty days previous notice of the time and place of said sale, by posting up, in some public place in the town of Hanover and Scituate, notifications thereof; and said Wardens are hereby authorized to make and execute good and sufficient deeds of said real estate to the person or persons who shall bid the most therefor, at said auction; and the person or persons to whom said deed or deeds shall be executed as aforesaid, shall, by virtue thereof, be seized of said real estate.

Appropriation of money.

SECT. 2. *Be it further enacted*, That the money arising from the sale of said real estate, when received by said Wardens, shall be paid over to the Trustees of the fund, for the support of religious worship in said parish, and be added to said fund, and considered hereafter as part of the same; and the interest accruing on the money which may be produced by the sale of said lands, shall be annually appropriated for the support of the Gospel Ministry in the said Episcopal Parish of St. Andrews, and for no other purpose whatever. [Dec. 14, 1816.]

Chap. 107.

An ACT to incorporate the First Congregational Parish in Woburn.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*,

That all the inhabitants of the town of Woburn, with all the lands in said town, (except such inhabitants and such lands as do by law belong to some other parish or religious society, or are exempt by law from parish charges in said town of Woburn) be, and they are hereby incorporated into a parish, by the name of The First Congregational Parish in Woburn, subject to all the duties, and vested with all the rights and privileges, to which parishes are by law entitled.

Privileges granted.

SECT. 2. *Be it further enacted*, That the votes and proceedings of the said town of Woburn relative to parish business, and the votes and proceedings of a parochial nature of the said inhabitants, hereby incorporated, under whatever name they may have acted, are hereby confirmed and made valid to all intents and purposes, as if the same votes and proceedings had been given and transacted in a legal meeting of an incorporated parish. And the said First Congregational Parish shall be deemed and taken to be successor to the said town of Woburn, as far as relates to parochial proceedings aforesaid; and successor to said inhabitants heretofore acting as a parish or society, in all their parish rights, and subject to all contracts of a parochial nature, which may have been made either by said town or said inhabitants hereby incorporated; *provided however*, that nothing in this act shall take from the town of Woburn aforesaid any rights or property to which they are now legally entitled.

Confirmation.

Proviso.

SECT. 3. *Be it further enacted*, That the first meeting of the said parish shall be convened by a warrant to be issued by any Justice of the Peace in the county of Middlesex, directed to any principal member of said parish, requiring him to warn the Members of said parish to meet at a suitable time and place, to be appointed in said warrant. [Dec. 14, 1816.]

First meeting.

An ACT to change the Names of certain Persons therein mentioned.

Chap. 108.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, John Platts of Rowley, in the county of Essex, shall be allowed to take the name of Luther Platts Palmer; that Zerubbabel Kemp of Marblehead, in the same county shall be allowed to take the name of Henry Kemp; that Tirzah Newcomb of Greenfield in the county of Franklin shall be allowed to take the name of Tirzah Smead; that Amelia Greenough of Boston, in the county of Suffolk, shall be allowed to take the name of Laura Ann Greenough; that Gideon Snow, jun. of said Boston, shall be allowed to take the name of Gideon Theodore Snow; that Lemuel Billings of said Boston, shall be allowed to take the name of Henry Lemuel Billings; that Ira Blanchard of Weymouth in the county of Norfolk, shall be allowed to take the name of Ira Henry Thomas Blanchard; that Joseph Cabot of said Boston shall be allowed to take the name of Joseph Sebastian Cabot, that John Rice of Salem, shall be allowed to take the name of John Parker Rice; that Asabel Plympton of said Boston, shall be allowed to take the name of Alexander

Names changed.

Plympton; that Nathaniel Emmons, son of Samuel Emmons of said Boston, shall be allowed to take the name of Nathaniel Henry Emmons; that James Moulton of Westborough, in the county of Worcester, shall be allowed to take the name of Elijah Russell; and that George Lyman, son of Theodore Lyman of said Boston, shall be allowed to take the name of George Williams Lyman; And said persons shall in future be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes. [Dec. 14, 1816.]

Chap. 113.

An ACT authorizing the Sale of certain lands in the Town of Westfield, and for other purposes.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Shepard, Samuel Fowler, Isaac Welles, Jedediah Taylor, Azariah Mosely, William Mosely, Frederick Fowler, and William Atwater, be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the town of Westfield, and they and their successors shall continue a body politic and corporate forever; and they may sue and be sued in all actions real, personal and mixed, and prosecute or defend the same to final judgment and execution; and they are authorized to receive and hold any funds accruing from the sale of any lands, which have been or shall be hereafter appropriated or granted for the use of the Congregational Ministry in said town, or any funds accruing for said purpose in any manner whatever, not exceeding in the whole the amount of ten thousand dollars, in trust for the use and benefit of said Ministry; and the interest arising therefrom to be forever appropriated towards the support of a Congregational Minister in said town.

Annual meet-
ings.

SECT. 2. *Be it further enacted,* That the trustees aforesaid shall forever hereafter hold a meeting in the town of Westfield, in the month of March annually, the meeting to be warned by posting up notice thereof in one or more public places in the said town of Westfield, fifteen days at least before the time of said meeting: at such meeting, the major part of the trustees present may elect a treasurer, with whom the money or securities for money constituting the fund, may be deposited, and who shall, under the control and by the order of the trustees, or the major part of them, receive in or deliver up, such money or securities; and the person so chosen shall give bond, if required, at the discretion of the trustees, for the faithful performance of his duty; and the major part of the trustees present at such meeting, are empowered to choose a clerk annually, to keep a record of the proceedings and doings of the trustees; and the trustees are further empowered, from time to time, at any of their meetings called in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation or removal of any of the trustees.

Officers to be
elected.

SECT. 3. *Be it further enacted,* That the said trustees be, and

they are hereby empowered to sell the tract or tracts of land aforesaid, or any part thereof, by public or private sale, the approbation of the town, and the consent of the Congregational Minister for the time being having been first obtained, and place the proceeds of the sales on interest, with good security, for the benefit of said fund.

Trustees may
sell lands.

SECT. 4. *Be it further enacted*, That the trustees aforesaid, and their successors in office, be, and they hereby are invested with sufficient power to receive all subscriptions, grants, appropriations and donations, whether real or personal, that may be hereafter made for the purpose of supporting a Congregational Minister in said town; and place all the money in their hands as trustees, on interest with good security at their discretion; and apply the whole of the interest arising from any funds in their hands, or any part thereof, towards the support of the Congregational Ministry in said town; or for enlarging the fund, as the said town from time to time may order and direct, but not in any wise to lessen or make use of any part of the principal of said fund.

Donations.

SECT. 5. *Be it further enacted*, That the trustees shall, at any time, when required by said town, make a report in writing of their proceedings, disbursements, receipts, and the state of the fund, and lay the same before said town, for their inspection; and said town shall have power to remove any trustee who shall be guilty of any breach of trust; and it shall be the duty of the trustees immediately to elect a new member to supply the vacancy.

Reports of pro-
ceedings.

SECT. 6. *Be it further enacted*, That any justice of the peace for the county of Hampden, upon application made to him by any trustee before named, is authorized to issue his warrant to any trustee before named, requiring him to notify and warn the first meeting of said trustees. [Dec. 14, 1816.]

First meeting.

An ACT for regulating the Fishery in the Town of Gloucester.

Chap. 114.

WHEREAS the town of Gloucester, in the county of Essex, have purchased of Zacariah Stevens, Esq. and opened a passage way through his Mill-dam, for the fish called Alewives, into the Cape Pond, so called, and conveyed into it a number of said fish, at a considerable expense, whereby a great increase has arisen :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority, of the same*, That the taking and disposing of the fish called Alewives, shall be under the care and management of a committee of said town, to consist of five persons, to be chosen at the annual town meeting in March or April, who shall be sworn to the faithful discharge of their duty, and shall distribute the fish that may be taken by them, or any person or persons under them, as equally as circumstances will admit, to such persons as shall apply for the same; and for the fish so supplied, the committee aforesaid shall demand a sum not exceeding fifty cents for each hundred of fish, so delivered, and account with the treasurer of said town for the proceeds thereof weekly,

Distribution of
fish.

and settle their final account on or before the last day of September annually; and the money arising therefrom shall be paid over to the treasurer of said town, and appropriated to the use of the said town; and the said committee shall have a reasonable allowance for their services, and lay their accounts before the selectmen of said town, for approbation and allowance, on or before the last day of November annually.

Powers of committee.

SECT. 2. *Be it further enacted*, That the said committee, or either of them, shall have full power and authority to remove from or out of the rivers, brooks or streams, leading to the said Pond, any obstructions that may be made to the free passing of said fish into the said pond, or repassing from thence into the sea; and the said committee, or either of them, (or of such person or persons as shall be employed by them) going on the land of any person or persons for this purpose shall not be deemed or held guilty of trespass. And the said committee, or the major part of them, shall determine the particular places where the said fish shall be taken, and give public notice thereof by posting up one or more notifications in some conspicuous place or places in the said town, on or before the first day of May annually: *Provided however*, That the said fish shall not be taken any more than three days in each week, at the discretion of the committee, and only between the rising and the setting of the sun, on said days: *And provided also*, That the said committee, or any other person under them, shall not be authorized to appoint any such place for fishing on the lands of John Manning, Esq. without his consent.

Proviso.

SECT. 3. *Be it further enacted*, That no person shall catch or take any of the said fish in any river, brook, or stream leading to, or from the said pond, without the direction of the said committee, or the major part of them, in writing; and whoever shall presume at any time hereafter to take, kill, or haul on shore any of the said fish, with seines or drag nets in either of the rivers, or ponds, brooks or streams, through which the said fish pass into the said Cape Pond, or shall with any seine or drag net, or in any other way, obstruct the passage of the said fish, to or from the said pond, or shall obstruct the said committee, or either of them, (or those persons employed by them,) in the execution of their duty, in all and every of these cases, the offenders shall, for each offence, forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars with costs of suit.

Recovery of fines.

SECT. 4. *Be it further enacted*, That it shall be the duty of the said committee, or either of them, and they are hereby vested with full power and authority to sue for and recover in the name of the treasurer of said town, from time to time, all fines and forfeitures incurred by any breach of this Act, before any justice of the peace for the county of Essex; and any justice of the peace of the town of Gloucester may hear and determine any complaint under this Act, to the amount of twenty dollars, his being an inhabitant of the said town notwithstanding; and in case any minor or minors shall offend against any part of this Act, and thereby incur any or either of the penal-

ties aforesaid, in all such cases, the parent, master or guardian of such minor or minors shall be answerable therefor; and in case of prosecution of such minor or minors, the action shall be commenced against the parent, master or guardian of such minor or minors, respectively, and judgment rendered accordingly; and all such fines shall be to the use of said town, saving where any person shall give information of any breach of this Act, the informer, upon conviction of the offender, shall be entitled to one half the forfeiture; and no person shall be considered as disqualified from being a witness on any trial that may be had pursuant to this Act, on account of his being an inhabitant of the said town of Gloucester, or of his being one of the committee aforesaid.

SECT. 5. *Be it further enacted*, That it shall be the duty of the committee aforesaid to take care that a sufficient passage be kept open annually for the young alewives to pass from the said pond to the sea. [Dec. 14, 1816.]

An ACT to incorporate the Corban Society.

Chap. 115.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Mary Mason, Sarah Dunn, Isabella Homes, Susan Huntington, Margaret C. Welsh, Mary Codman, Margaret Phillips, Hannah B. Tyler, Elizabeth Rogers, Phebe Cutler, Martha Ropes, and their associates to be elected into the society from among the annual subscribers to the same institution, be, and they hereby are incorporated into a society, by the name of The Corban Society, to aid and assist candidates for the gospel ministry with the means of instruction and subsistence; and for this purpose shall be a corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to sue, and be sued, to establish by-laws and orders for the regulation of the said society, and for the preservation and application of the funds thereof; *provided* the same be not repugnant to the constitution or laws of this Commonwealth; to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase, devise, or otherwise, and the same to improve, lease, exchange, or sell and convey for the sole benefit of the said institution; *provided*, that the value of the real estate of said society, shall never exceed twenty thousand dollars, and the annual income of the whole estate of said society shall not exceed two thousand dollars.

Persons incorporated.

Powers and privileges.

Proviso.

SECT. 2. *Be it further enacted*, That every married woman belonging to said society, who shall, with the consent of her husband, receive any of the money or other property of said society, shall thereby render her said husband accountable therefor, to said society: And every woman, whether sole or married, who shall subscribe and pay to the funds of said society, the sum of two dollars annually, and be voted in by a majority of the directors, shall become a member of said society; liable, however, to be removed, whenever she shall refuse or neglect to pay her annual subscription.

Liability.

Annual election of officers.

SECT. 3. *Be it further enacted,* That said society shall meet in Boston, on the last Monday in September annually, for the purpose of electing, by ballot, from their members, a president, vice-president, secretary, treasurer, and nine assistants; all which officers shall hold their said offices for one year, and until others shall be elected to succeed them; and the directors for the time being, shall publish the time and place of each annual meeting, in two of the newspapers, or by written notifications, at least seven days before the time of holding the same; and at all such annual meetings, twelve members shall constitute a quorum; the directors shall meet on the last Monday in December, March and June, also on their own adjournments, and at the call of the president; and any seven of them shall constitute a quorum. Any member may be dismissed at an annual meeting by the voice of two thirds of the members present, the dismission having been proposed at the preceding annual meeting.

Dismissals.

Qualifications of president.

SECT. 4. *Be it further enacted,* That the treasurer of said society shall be a single woman, of the age of twenty-one years or upwards, and shall give bond with sufficient surety or sureties, to account annually, or oftener if required by said society or the Board of directors, for all money and other property of said society coming into her hands, and in general to discharge the duties of her said office with fidelity.

Board of directors.

SECT. 5. *Be it further enacted,* That the board of directors for the time being, shall have the management and application of all the subscriptions, donations, funds and estate of the society, to be appropriated solely for the use of the society; and no sale or transfer of any real or personal estate of said society shall be valid unless approved by them; and no money shall be paid out of the treasury, except by their order; they shall likewise have authority, at their discretion, to aid such indigent young men as may be recommended to them, whom they may judge to be suitable objects of charity, to enjoy the benefits of the institution. And the directors shall have authority to establish any rules and regulations for the proceedings of the board and the concerns of said society, not repugnant to the constitution or laws of this Commonwealth, or the by-laws of said society.

Donations.

May be sued.

SECT. 6. *Be it further enacted,* That any writ or process against said corporation may be served by the officers leaving an attested copy thereof with the treasurer of said society, or at her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any agent, appointed for that purpose by the society or by the directors, may appear by attorney, and defend or prosecute any suit in behalf of said society.

Conveyances.

SECT. 7. *Be it further enacted,* That all instruments of conveyance or contract, which may lawfully be made by said society, if approved by the board of directors, shall be signed by the president or vice-president, and countersigned by the secretary, and if necessary, sealed by the common seal of said society; and when so executed, shall bind the said society and be valid in law. [Dec. 14, 1816.]

AN ACT to set off certain land from Malden, and annex it to Medford.

Chap. 1.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of land hereinafter described, heretofore situated in the town of Malden in the county of Middlesex, with the inhabitants thereon, be set off from the said town of Malden, and annexed to the town of Medford, in said county; and shall hereafter be considered as a part of said town of Medford, viz. beginning at the boundary line between said towns, at the point where the creek running from Creek Head, so called, crosses said boundary line, thence running in a southeasterly direction by said creek, pursuing the course thereof, to a stake on the southerly side thereof, in the land of Nathan Holden, bearing south fifty degrees east, and distant from the place of beginning, in a straight line, about one hundred and twenty-eight rods, thence south six degrees west across the Bradbury farm, so called, about two hundred rods, to a stake in the line between said farm and land of Richard Dexter, thence south nine degrees east, so as to divide the land of said Dexter, and passing in a straight line between said Dexter's land and land of Benjamin Tufts, about one hundred and thirty rods, to Mystic River, at a stake; thence westerly, by Mystic River, to the old dividing line between said towns, and thence by said old line to the place of beginning: *Provided however*, that said lands, and the inhabitants thereon, shall be holden to pay all such taxes as have been lawfully assessed or granted by said town of Malden, in the same manner as they would have been holden if this act had not been passed. [June 10, 1817.]

New boundaries.

Proviso.

AN ACT to continue in force in act, entitled "An act to incorporate Stephen Higginson and others, into a company, by the name of the Boston Marine Insurance Company."

Chap. 4.

1798 ch. 50.
(V. 2. p. 265.)
1803 ch. 123.
(V. 3. p. 384.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "An act to incorporate Stephen Higginson and others, into a company, by the name of the Boston Marine Insurance Company," passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and ninety-nine, excepting the tenth section thereof, with all the powers and privileges granted by the said act, shall be and remain in force for the term of twenty years from the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen: *Provided always*, that the capital stock of the said company shall continue to be three hundred thousand dollars; and that the said company shall not be allowed to insure on any one risk a greater amount than thirty thousand dollars; and *provided also*, that no person being a director of any other company, carrying on the business of marine insurance, shall be eligible as a director of this company. [June 11, 1817.]

Extension of Act.

Proviso.

AN ACT in addition to an act, entitled "An act to reduce the Capital Stock of the Boston Bank."

Chap. 6.

1816 ch. 89.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That

Shares limited. the number of shares in the corporation, called and known by the name of the President, Directors and Company of the Boston Bank, shall be twelve thousand; any thing in the act entitled an act to reduce the capital stock of the Boston Bank, to the contrary notwithstanding. [June 12, 1817.]

Chap. 17.

An ACT to establish a Ministerial Fund in the town of Sudbury.

Trustees. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the selectmen of the town of Sudbury, for the time being, and the deacons of the church, for the time being, in the said town of Sudbury, be, and they are hereby appointed and incorporated as trustees, by the name of the Trustees of the Sudbury Ministerial Fund; and by that name they and their successors in office shall be, and continue a body politic forever; and they shall have a common seal, subject to alteration; and they may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid; and shall have all other powers, which are incident to, and necessarily belong to the like corporations. And the said Trustees and their successors may annually elect one of their number as president, and a clerk to record the doings of said trustees, and a treasurer to receive and pay the money belonging to said fund, according to the provisions of this act, who shall give bond to the said trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office.

May sue and be sued.

May elect other officers.

May sell and convey lands. SECT. 2. *Be it further enacted,* That the said trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land belonging to the town of Sudbury, which have been and are appropriated to the support of the ministry in said town; and the monies arising from the sale of the said land shall be put on interest, and shall form a fund for the support of the ministry in said town, which shall be under the care and management of the said trustees, in the manner provided for and directed in this act; and when the said trustees shall loan the said monies or any part thereof, the same shall be secured by mortgage on real estate to twice the value of the money loaned, or secured by two or more sufficient sureties, with the principal; and the interest, and that only, shall ever be appropriated for the uses aforesaid; and it shall never be in the power of the said trustees to alter or alienate the appropriation of the fund aforesaid. And the said trustees are hereby authorized to make and execute a good and sufficient deed or deeds of the said several lots of lands, which shall be subscribed by the treasurer, with their seal thereto affixed, and by him duly acknowledged; and when so executed and delivered, shall be good and effectual in law to pass and convey all the rights of said town in and to said real estate, to the purchaser thereof.

SECT. 3. *Be it further enacted*, That the said trustees, treasurer, clerk or other officers or persons employed by them, shall be entitled to receive no compensation for the services they may perform out of any monies belonging to the said fund; but a reasonable compensation shall be paid them by the town; and the said trustees and each of them shall be responsible to the town for their personal neglect or misconduct whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund; and the debt or damage recovered in such suit shall be to the use and addition of the said fund; and the said trustees and treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the funds, at the annual meeting in March or April. Compensation.

SECT. 4. *Be it further enacted*, That any justice of the peace, for the county of Middlesex, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the trustees named in this act, requiring him to notify and call a meeting of the said trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the appointment of its officers. [June 14, 1817.] Warrant for first meeting.

An Act establishing the Massachusetts Steam Navigation Company.

Chap. 19.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John H. Andrews, with such other persons as have already associated with him, or may hereafter associate with him, and their successors, be, and they hereby are made and constituted a body politic and corporate, by the name of the Massachusetts Steam Navigation Company, for and during the term of thirty years after the passing of this act; and by that name may sue and be sued, in all actions, real, personal and mixed, to final judgment and execution, and may do and suffer all acts, matters and things which bodies politic may or ought to do and suffer; and may have and use a common seal, and the same may break and alter at pleasure: *Provided however*, that any proprietor alienating his share or shares in said corporation, shall thereafter, in respect thereto, cease to be a member of said corporation; and the assignee thereof shall be, with respect thereto, thenceforward a member of said corporation, with all the rights, and subject to all the duties, penalties and payments which the assigner thereof was or might have been vested with or liable to. Terms. Powers. Proviso.

SECT. 2. *Be it further enacted*, That said corporation shall have power, and is hereby authorized to erect and build any steam boats in any part of this Commonwealth, where the individual proprietors in their private capacities might lawfully do the same; and also navigate any steam boats in any waters where the individual proprietors might lawfully do the same, as shall appear to said corporation to be for the benefit of the same. Authorized to build steam boats.

SECT. 3. *Be it further enacted*, That said corporation may

May hold
estates.

Proviso.

be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on the business of said corporation, and of as much personal estate as shall be actually employed by said corporation; *provided*, that such real estate shall not exceed the value of thirty thousand dollars, and the personal estate three hundred thousand dollars.

Number of
shares.

SECT. 4. *Be it further enacted*, That the property of said corporation shall be, and hereby is, divided into one hundred and forty-four shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof shall have a certificate under the seal of the corporation, and signed by the treasurer, certifying his property in such shares as shall be expressed in said certificate.

First meeting
for choice of
officers.

SECT. 5. *Be it further enacted*, That any two of the proprietors may, and they hereby are empowered to call a meeting of the proprietors, by a notification published in the Salem Gazette and Essex Register, at least seven days previous to said meeting; at which meeting a clerk shall be chosen, whose duty it shall be, fairly and truly to enter and record in a book or books, for that purpose to be provided and kept, this act, and all the rules, by-laws, votes and proceedings of said corporation, which book or books shall at all times be subject to the inspection of any person for that purpose appointed by the legislature; and the said clerk shall be sworn to the faithful discharge of the duties of his office; and at the same meeting, the proprietors shall elect a treasurer, and such number of directors to manage the prudential business of said corporation as to them shall seem expedient; and such directors, as well as those which at any meeting hereafter may be chosen, shall have power, from time to time, to assess such taxes on the proprietors of the shares in said corporation as they shall deem to be necessary; and on the neglect or refusal of any proprietor to pay such tax, to sell so many of his or her shares at vendue, as will pay his or her taxes, after advertising the sale of such share or shares in one of the public papers in Salem and Boston for the space of ten days at least, previous thereto, and the overplus, (if any there be) after the payment of the taxes and the charges of sale, to be paid to the owner of the share or shares, so sold; and the proprietors may at said meeting, or at any other meeting, elect any other officers, which to them may seem necessary, for carrying into effect the object of their institution; and may agree upon a mode of calling future meetings of the proprietors, and also make any reasonable rules and by-laws, not repugnant to the constitution and laws of this Commonwealth.

Officers' duties.

Term of office.

SECT. 6. *Be it further enacted*, That the directors appointed, shall hold their offices for the term of one year, and until others are elected in their room: *Provided*, that if any director ceases to be a member of this corporation during the time for which he was elected, or resigns, the corporation at a legal meeting, may elect another person in his room.

SECT. 7. *Be it further enacted*, That any share may be alienated by the proprietor thereof, by a deed acknowledged before some justice of the peace, and recorded by the clerk, in a book to be kept for that purpose, and not in any other way, except in the cases hereafter provided: And any person shewing to the treasurer such deed, so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form aforesaid, certifying the property of such share to be in the purchaser.

May alienate shares.

SECT. 8. *Be it further enacted*, That any share in said corporation may be attached on original process, or levied upon by execution, at the suit of any creditor of the proprietor of such share, by the officer having the process to execute, giving to the treasurer or leaving at his place of abode, a certificate in writing, shewing that he hath attached or taken in execution, such proprietor's share, at the suit of such creditor; and the officer may proceed to sell the same at public auction, as he might by law sell any goods or chattels of such proprietor, attached or levied upon, to satisfy the execution of the creditor: And the officer may make and execute a deed of such proprietor's share to the highest bidder; and the purchaser producing to the treasurer a deed under the hand and seal of such officer, acknowledged and recorded as aforesaid, shall be entitled to a certificate from the treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser; and the treasurer shall have recorded in a book to be kept for that purpose, a schedule of the names of all the members of said corporation—of the several shares of which each proprietor is owner, and the numbers annexed to such shares; and such book shall be open to the inspection of any sheriff, deputy sheriff, or coroner, having a process to execute against any proprietor, or to the inspection of any other person when demanded, upon payment of twenty-five cents for each inspection: And in any action to be brought, or in any judgment to be rendered against said corporation, the plaintiff not being able to find any property of the corporation to attach on mesne process, or whereon to levy his execution, shall have the right of attaching or levying his execution on any of the individual members of the corporation, and their estate, real or personal, in the same manner as if the action had been brought and the judgment rendered against them in their individual capacity.

Shares may be attached.

SECT. 9. *Be it further enacted*, That when any proprietor shall die possessed of any share or shares in said corporation, his executor or administrator, upon producing to the treasurer such deceased proprietor's certificate or certificates, shall be entitled to receive a new certificate, executed in form aforesaid, certifying the property of such share or shares to belong to such executor or administrator, who shall hold such share or shares as personal estate of such deceased proprietor, and shall or may sell and dispose of the same at public auction, or otherwise, in the same manner as by law he might sell and dispose of any chattels of such deceased proprietor; and such executor or administrator shall and may execute and acknow-

Shares of proprietors deceased.

ledge a deed or deeds of such share or shares, and the purchaser producing to the treasurer the certificate or certificates, executed in form aforesaid, certifying such share or shares to belong to such purchaser. And such executor or administrator, who shall not have sold such share or shares, shall immediately after the settling the estate of such deceased proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

Advertisement
of public sales.

SECT. 10. *Be it further enacted*, That the time and place of all public sales of any share or shares, shall be made known at least seven days before such sale, by publishing the same in one of the public newspapers of Salem and Boston.

Votes.

SECT. 11. *Be it further enacted*, That at all meetings of the corporation, each member shall be entitled to one vote for each share owned by him; *provided*, that no person shall be entitled to more than fifteen votes. [June 16, 1817.]

Chap. 20.

An Act to incorporate The First Baptist Society in the Town of Ipswich.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Appleton, Samuel G. Appleton, Timothy Appleton, Charles Simonds, William Dennis, Frederick Mitchell, Jacob M. Farnum, Joseph L. Ross, James Caldwell, Moses Graves, Josiah Symonds, Daniel Ross, jun. John Lord, Robert Stone, Daniel W. Low, Nathaniel Perkins, Major Woodbury, Samuel Stone, Simeon Spafford, Amos Jones, Francis Hovey, John Hovey, Levi Hovey, and Joseph Hovey, with their polls and estates, be, and they are hereby incorporated by the name of The First Baptist Society in Ipswich, with all the privileges, powers and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Powers.

Membership.

SECT. 2. *Be it further enacted*, That any person in the said town of Ipswich, or in the adjoining towns, who may at any time hereafter desire to become a member of said Baptist Society, and give in his or her name to the clerk of the town or parish to which he or she may belong, with a certificate signed by the minister or clerk of said Baptist Society, that he or she hath actually become a member of, and united in religious worship with said Baptist Society, fourteen days previous to the town or parish meeting, to be held in the month of March or April, annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Baptist Society: *Provided however*, That all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish to which he or she belonged previous to that time.

Proviso.

Secession.

SECT. 3. *Be it further enacted*, That whenever any member of said Baptist Society shall see cause to leave the same, and unite with any other religious society in the town or parish in which he or she may reside, and shall give in his or her name

to the clerk of said Baptist Society, with a certificate, signed by the minister or clerk of the parish or society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or society fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted or assessed in said Baptist Society previous thereto, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of such other parish or society to which he or she may so unite.

SECT. 4. *Be it further enacted*, That any justice of the peace, in the town of Ipswich, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers, and transact all such business as parishes are by law entitled to choose and transact in the month of March or April, annually. [June 16, 1817.]

Warrant for first meeting.

An Act in addition to an Act, entitled, "An Act for establishing The Second Massachusetts Turnpike Corporation."

Chap. 21.
1796 ch. 72.
(V. 2. p. 130.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Second Massachusetts Turnpike Corporation be, and they are hereby authorized and empowered to remove the Gate erected on said road, from the place where it now stands, to Deerfield River Bridge, on said road.

Gate removed.

SECT. 2. *Be it further enacted*, That the said Corporation be, and they are hereby authorized and empowered to erect an additional Gate on said Turnpike road, within two miles of the west end of said road, where the corporation may judge most convenient.

Gate erected.

SECT. 3. *Be it further enacted*, That from and after the passing of this Act the said corporation be, and they are hereby authorized and empowered to demand and receive from all persons travelling on said road, the following rates of toll, at each of said gates, viz.: For every coach, phaeton or other four wheel carriage, drawn by two horses, twenty-five cents, and for each additional horse, six and one quarter cents; for each cart or waggon, drawn by two oxen or horses, twelve and one half cents, for each additional ox or horse, six and one quarter cents; for each curricule, sixteen cents; for each chaise, chair or sulkey, twelve and one half cents; for all four wheel carriages drawn by one horse, seven cents; for each sleigh or sled, drawn by two oxen or horses, ten cents, for each additional ox or horse, four cents; for each sleigh, sled or cart, drawn by one horse, seven cents; for each man and horse, six and a quarter cents; for all sheep or swine, three cents by the dozen; for each foot passenger over the Bridge crossing Deerfield river, two cents. [June 16, 1817.]

To receive toll.

Rates of toll.

Chap. 22. An ACT to incorporate the Master, Wardens and Members of the Grand Lodge of Massachusetts.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis J. Oliver and his associates, and their successors be, and they hereby are incorporated and made a body politic, by the name of the Master, Wardens, and Members of the Grand Lodge of Massachusetts, with power to have a common seal, to sue and be sued, to make and ordain from time to time, by-laws, rules, and regulations for the government and management of the corporation; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and that they have all the privileges usually given by acts of incorporation to charitable societies.

Powers.

Proviso.

May hold estate.

SECT. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of sixty thousand dollars, for charitable uses.

Call first meeting.

SECT. 3. *Be it further enacted*, That Francis J. Oliver be, and he is hereby authorized to call the first meeting of said corporation, by advertisement, in two of the newspapers printed in Boston, three weeks previous thereto, and appoint the time and place thereof, at which meeting the mode of calling future meetings shall be regulated.

SECT. 4. *Be it further enacted*, That this Act may be amended, revised, or terminated at the pleasure of the Legislature. [June 16, 1817.]

Chap. 24.

1809 ch. 14.

1810 ch. 18.

1811 ch. 2.

1813 ch. 3.

An ACT in further addition to an Act, entitled, "An Act to incorporate Isaac Story and others into a company, by the name of The Marblehead Insurance Company."

Further time allowed to pay instalments.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of two years, from and after the seventeenth day of July next, be allowed to the stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the capital stock of said company; and that the said residue shall be paid in such proportions, and at such periods within the time mentioned, as the directors of said company for the time being, shall order and appoint; any thing in the act of incorporation of said company to the contrary notwithstanding: *Provided however*, That nothing in this Act shall be construed to exonerate or discharge the estates of the stockholders of said company from being liable in the manner and for the purposes mentioned in said Act, to which this is in addition. [June 16, 1817.] Further act—1819 ch. 9.

(Extended 1819 ch. 9.)

Chap. 25.

An ACT to incorporate the Trustees of the Lexington Ministerial Fund.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Fiske, Isaac Hastings, Jonas Bridge, James Brown,

and Abijah Harrington, Esquires, be, and they are hereby constituted a body politic and corporate, by the name of The Trustees of the Lexington Ministerial Fund, and they and their successors shall so continue a body politic and corporate, by that name forever; and by the same name may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution; and may make such orders, rules, regulations, and by-laws as may be proper for the government of the trustees, not repugnant to the laws of this Commonwealth; and may always have a common seal, and all deeds sealed with said seal, subscribed by the said trustees, and duly acknowledged, shall be valid in law.

SECT. 2. *Be it further enacted*, That the number of trustees shall never be more than five, nor less than three, and a majority of them may be a quorum for doing business, and the senior trustee present shall act as chairman; and the trustees shall, at their annual meeting, which shall be in the month of March, appoint a treasurer and clerk, who shall be sworn to the faithful performance of their duty; and the treasurer shall give bonds with sufficient sureties, to the acceptance of the said trustees, faithfully to do and perform all the duties of his office; and the said town of Lexington, at any legal meeting thereof, shall have power to remove any of said trustees, who may become unfit, from age, infirmity or misconduct, to discharge their duties, and to supply the vacancies so made; and also such vacancies as may be occasioned by death, by a new trustee, from the members of the congregational society in said town, at any meeting called for that purpose; and the said trustees shall annually receive such compensation out of the said fund, for any services they may perform, as the town may deem just and reasonable.

SECT. 3. *Be it further enacted*, That all unimproved lands, tenements and hereditaments, all monies, chattels, rights or credits, which at any time heretofore have been given, granted, devised or appropriated for the support of the gospel in said town of Lexington, be, and are hereby assigned to, confirmed and vested in the said trustees, to every intent and purpose whatever, as fully and amply as if the same had been given or granted to the corporation hereby created; and full power and authority is hereby given to them, to enter upon all lands and tenements, heretofore given or granted for the purposes aforesaid; and upon such entry the said corporation shall be deemed and taken to be seized and possessed thereof, to every intent and purpose whatever; and the said trustees shall and may demand from any person whomsoever, all monies, securities or other property whatever, which have at any time heretofore been given for the purposes aforesaid; and in their corporate name to have and maintain any action for the recovery thereof, and also to receive any donation that may be hereafter given to the said ministerial fund; and it shall be the duty of the said trustees to use and improve such estate as shall be vested in them by this Act, with due care and vigilance, so as best to promote the intention of the donors thereof; and

Persons incorporated.

Number of trustees.

Vacancies.

Compensation.

Money loaned. shall always loan upon interest the money belonging to the said fund, in such sums and for such term of time, not exceeding one year, as they may think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof; and they shall never loan any sum exceeding five hundred dollars, without a mortgage on real estate to double the amount of the sum loaned, as collateral security for the payment thereof, with interest annually; or they may vest such parts thereof in the funded debt of the United States or this Commonwealth, or in the stocks of any incorporated bank, as they may judge expedient.

Vest money in stock.

SECT. 4. *Be it further enacted*, That if said trustees shall fail to pay the annual income of said fund to the settled minister of the first Congregational society in said town, for and towards his salary, or to defray the expense of public worship, when they shall be destitute of a settled minister, pursuant to the votes and directions of said town, within thirty days after the same shall become due, and payable as aforesaid, or neglect to make report annually in the month of May, to a committee, chosen for that purpose, of what funds and estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured; and what receipts have been obtained and disbursements made by them the preceding year; they shall severally forfeit for each offence, the sum of thirty dollars, and the further sum of thirty dollars per month afterwards, until they shall make payment of such claims, when it is in their power to do so.

Forfeiture.

SECT. 5. *Be it further enacted*, That when the income of said fund shall be more than sufficient to pay the Congregational minister his salary, or to defray the expense of public worship, when they shall be destitute of a settled minister, it shall be the duty of said trustees, to put out the same at interest; and when the income of said fund shall amount to four hundred dollars more than to pay said Congregational minister his salary, or to defray the expenses of public worship, when they shall be destitute of a settled minister, then the surplus shall be paid by said trustees to the town treasurer; and is hereby appropriated for the maintenance of schools in said town, as shall be annually agreed upon by them, in the month of May.

SECT. 6. *Be it further enacted*, That said trustees shall be amenable to said town, for negligence or misconduct, in the management of said fund, whereby the same shall be impaired, or suffer loss, waste, or diminution; and the inhabitants of said town may have and maintain a special action of the case against the proper persons of said trustees, and goods and estates, jointly and severally, for such negligence or misconduct, and recover adequate damage therefor; and any sum so recovered, shall be deemed for the benefit of said fund, and shall be paid to the said trustees accordingly.

Trustees amenable to the town.

Recover damage.

SECT. 7. *Be it further enacted*, That the treasurer of said trustees shall be the receiver of all monies and effects which may be due, and coming to them in their official capacity; and in their name may demand, sue for, and recover the same, un-

less prohibited by them : And the said treasurer shall have the care and custody of all the monies and effects, obligations, and sureties for the payment of money, and all evidences of property belonging to the said fund, and shall be accountable to the trustees therefor ; and shall dispose of the same as they shall order and direct ; and shall render an account of his proceedings, together with a fair and regular statement of the property and evidences of property, in his hands, annually in the month of March, and as often as he may be thereto required ; and he shall deliver to his successor in office, all the books and papers, property, and evidences of property in his hands, in good order and condition ; and if he shall fail so to do for the space of thirty days, after his successor shall have been duly appointed and qualified, he shall forfeit and pay a fine of fifty dollars, and a further sum of forty dollars per month, for such failure or neglect afterward.

Treasurer to
render account.

SECT. 8. *Be it further enacted*, That the clerk of said corporation shall have the care and custody of all records and documents belonging to said trustees ; and shall carefully and fairly record all their votes and proceedings ; also a statement of their funds and estate in their hands, in a book kept for that purpose, and shall certify all his proceedings when thereunto required ; and he shall call and notify meetings of the corporation, when directed by one of the trustees, by verbal notice, or such other way as the said trustees may order and direct, and do whatever else may be incumbent to said office ; and if he shall neglect so to do, or to deliver up to his successor in office, as required, all the records and documents in his hands, in good order and condition, he shall forfeit and pay a fine of fifty dollars, and thirty dollars for every month's detention afterwards.

Certify pro-
ceedings.

SECT. 9. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to either of the aforesaid trustees, requiring him to notify and warn a meeting of said trustees, to meet at such time and place as shall be appointed in said warrant, to organize the said corporation, by the appointment of its officers. [June 16, 1817.]

Issue warrant.

An ACT in addition to an Act, entitled "An Act to incorporate a number of the inhabitants of the town of Dorchester, in the county of Norfolk, into a religious society, by the name of the Second Parish in Dorchester."

Chap. 28.
1807 ch. 14.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the polls and estates and property of the present members of the said second parish in Dorchester, and all other persons who may hereafter become members of said second parish, and the property they shall respectively hold or occupy on the first day of May annually, in the town of Dorchester, shall be taxable in said second parish, and in that only, for parochial purposes.

Property taxed.

SECT. 2. *Be it further enacted*, That whenever any person, being an inhabitant of said Dorchester, shall desire to become a member of said second parish, such membership shall be certified by a committee of said second parish, chosen for that purpose, and

Certificate.

filed with the clerk of the town or parish to which he or she belongs, and the certificate of such committee may be as follows: We certify that _____ of the town of Dorchester, is a member of the second parish in Dorchester; dated this _____ of _____ A. D. 18

committee. The said certificate to be filed as aforesaid, on or before the first day of May, annually; and such person or persons, paying his or her proportion of all monies voted in the religious society to which he or she belonged, previous to his or her joining said second parish, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said second parish.

SECT. 3. *Be it further enacted*, That if any member of said second parish shall see cause, or be inclined to leave said parish, and join in worship with any other religious society in said town of Dorchester, or in any other town of which he or she may be an inhabitant, shall give his or her name to the clerk of said second parish, signed by the minister or clerk of the parish, or other incorporated society with which he or she may unite, that he or she has actually become a member of, and united in religious worship in such other parish or other incorporated society, before the first day of May, annually, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate be considered as a member of the society to which he or she may so unite.

SECT. 4. *Be it further enacted*, That the income of the ministerial land, so called, which was given and set off for the use and maintenance of the ministry, and the income of all other ministerial land and property which shall be used for the support and payment of the ministers of the gospel in the town of Dorchester, shall be annually divided between the first, second and third religious societies, in the same proportion that the members of each parish shall collectively bear to each other in the state tax, which shall be assessed from time to time in the town of Dorchester, to be annually compared and ascertained by the assessors of the three parishes, and to be drawn from the town treasury accordingly.

SECT. 5. *Be it further enacted*, That all the ministerial taxes, assessed and collected within the town of Dorchester, on estates belonging to non-residents shall be divided between the first, second and third religious societies, in the ratio established for the division of the income of the ministerial land and property. [June 16, 1817.]

Chap. 29.
1804 ch. 126.
(V. 3. p. 563.)

AN ACT to repeal an Act, entitled "An Act to incorporate certain persons as trustees of an Academy, in the town of Lynn, in the county of Essex."

Act repealed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That the Act, entitled "An Act to incorporate certain persons as trustees of an Academy, in Lynn, in the county of Essex," be, and the same is hereby repealed: *Provided nevertheless*, that the said corporation shall be holden to pay and discharge all

debts, which they, in their corporate capacity, may have contracted; and to fulfil all contracts, which they have made, as though this Act had not passed. [June 16, 1817.]

An ACT in addition to an Act, entitled "An Act to establish the Taunton and South Boston Turnpike Corporation."

Chap. 30.
1806 ch. 7.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person shall travel on the road of said corporation, with any horses, carriages, or any other thing liable to pay toll for passing the gates on said road, and shall turn off the same when coming near to either of the gates thereon, with intent to avoid paying the toll, and then come on said road again, notwithstanding it may have been where the turnpike was made on the old road, shall be liable to all the penalties provided by law, for refusing or avoiding the payment of toll: Provided, any part of said travelling on either side of the gate, be on that part of the turnpike not made on the old road. [June 16, 1817.]

Penalties for
refusing pay-
ment of toll.

An ACT in further addition to an Act, entitled "An Act for establishing a corporation by the name of the Sixth Massachusetts Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the gate erected on the sixth Massachusetts turnpike road in the town of Rutland, be, and hereby is established where the same is now placed; and that the Sixth Massachusetts Turnpike Corporation have a right to receive thereat the same toll as established in the Act, to which this is in addition: Provided, that the inhabitants of Barre and Petersham shall be compelled to pay but half toll in going to and returning from Worcester. [June 16, 1817.] Further act—1820 ch. 26.

Chap. 31.
1799 ch. 21. 71.
(V. 2. p. 327.
373.)
1815 ch. 113.
Gate establish-
ed.

An ACT to annex Jacob Man, and his estate, to the First Parish in Wrentham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jacob Man, with his family and estate, be, and hereby are set off from the north parish, and annexed to the first parish in the town of Wrentham: Provided however, that the said Jacob Man shall be holden to pay his assessment of all parish or society taxes and expenses, legally assessed, and not paid prior to the date of this Act. [June 16, 1817.]

Chap. 33.

Holden to pay
taxes.

An ACT declaring and confirming the incorporation of the First Congregational Society, in Salem.

Chap. 35.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the persons who now are, and who may hereafter be the proprietors of the pews, in the meeting-house, in Salem, in the county of Essex, in which the reverend John Prince officiates as pastor, be, and they hereby are, declared and confirmed to be a body politic and corporate, by the name of the First Congregational Society in Salem; and the said corporation shall be, and hereby are, deemed in law to be seized of the same meeting-house, with the land under and adjoining the same; and also of all other lands, tenements, and hereditaments be-*

Proprietors of
pews made a
body politic
and corporate.

longing to, and possessed and enjoyed by the said proprietors, together with the privileges and appurtenances to the same belonging; and the said corporation shall be, and they hereby are further authorized and empowered to take and hold any other estate, as well real as personal, the annual income whereof shall not exceed the sum of five thousand dollars.

SECT. 2. *Be it further enacted*, That all gifts, grants, devises, and bequests, which have been, or shall be hereafter made to and for the use of said Congregational society, shall be under the care and management of the committee hereinafter mentioned, or of such other committee, or trustees, as the said corporation shall appoint for that purpose; and all such gifts, grants, devises, and bequests, shall be faithfully appropriated, according to the intention of the donors thereof: And it shall never be in the power of said corporation to alienate or to alter the appropriation of such gifts, grants, devises, and bequests.

SECT. 3. *Be it further enacted*, That the said corporation shall meet annually, as the said proprietors have heretofore been used to do; and shall also hold other meetings, the same being duly warned, in manner hereinafter mentioned; at such other times as shall be necessary: And at such annual meetings, after having chosen a moderator, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office; and also a treasurer, and a committee of five persons, and such other officers as shall be necessary, who shall all continue in office during the year, and until others shall be chosen in their stead: *Provided however*, that, if for any cause such annual meeting should not be holden, then the said officers may be chosen at any meeting, duly warned, for that purpose. And the said committee, or a major part of them, shall have full power to manage the affairs of said corporation, in like manner as the committees of said proprietors have heretofore been used to manage the affairs of said society; and shall further have the like power and authority, as are by law vested in the assessors and committees of precincts or parishes.

SECT. 4. *Be it further enacted*, That all sums of money for the settlement and maintenance of a pastor, or pastors, for the repairs and alterations of the meeting-house, for defraying the expenses of public worship, and for other uses of said corporation, shall be assessed and collected in the manner heretofore used and accustomed by said proprietors; and in default of payment thereof, the said corporation shall have the like remedies as the said proprietors have heretofore had and exercised: *Provided nevertheless*, that the said corporation may, at any meeting duly warned for that purpose, determine upon any other manner of assessing and collecting such monies, as they may think advisable.

SECT. 5. *Be it further enacted*, That the said corporation shall be entitled to all the privileges heretofore in fact enjoyed by said proprietors, and shall be bound by all contracts heretofore in fact made by said proprietors, as well with their present pastor as with other persons, and shall be subject to all the duties to which the said proprietors have heretofore in fact been sub-

May hold estate.

Meet annually.

Choose moderator, clerk, &c.

Proviso.

Expenses.

Privileges.

SECT. 6. *Be it further enacted*, That the meetings of said corporation shall be warned in such manner as said corporation shall at any annual meeting determine, and the first meeting of said corporation which shall be holden after the passing of this Act, shall be holden on the second Monday of November next, and shall be warned in the like manner as the said proprietors have been used to warn their annual meetings. [June 16, 1817.] Meetings.

An ACT respecting the support of Public Worship in the town of Pittsfield.

Chap. 38.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all laws heretofore made and passed, by force of which the Union Parish, in the town of Pittsfield, in the county of Berkshire, was erected and does now exist as a distinct body politic, be, and the same are hereby repealed: *Provided nevertheless*, that said Union Parish, and also the First Parish, so called, in said town, shall still continue to exist so far as to enable either of them to carry any legal contract by either of them respectively, heretofore made with their ministers, or any other persons, into execution; and to sue for and recover any debts due to them, and that they severally shall remain liable to be sued for any debts due from them, in the same manner as if this Act had not been made. Laws repealed. Proviso.

SECT. 2. *Be it further enacted*, That for the future, the inhabitants of said Union Parish and said First Parish, so called, therein shall and may unite, and shall have power, and be held as a town or parish to choose, settle, and make provision for the support of a public teacher, or teachers of piety, religion, and morality, and of the public worship of God in said town, in the same way and manner as other towns are authorized and held by law to do, and as the said town of Pittsfield was authorized and held to do previous to its division into parishes, any law, usage or custom to the contrary notwithstanding. Public teachers.

SECT. 3. *Be it further enacted*, That the articles of agreement entered into by said parishes, as the foundation of their union, be, and the same are hereby ratified and confirmed, and declared to be binding upon said town: *Provided however*, that the said articles of agreement are not contrary to the constitution and laws of this Commonwealth. [June 16, 1817.] Articles confirmed. Proviso.

An ACT to incorporate certain persons for the purpose of opening a Canal from the head of Norset Cove to Boat Meadow Creek.

Chap. 39.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Michael Collins, Nehemiah Smith, Asa Higgins, Freeman Hopkins, Richard Sherman, Barnabas Doane, Edward C. Clark, and their associates and successors, shall be a corporation and body politic, for the purpose of opening and keeping open a canal from Norset Cove to Boat Meadow Creek, under the name of the Proprietors of the Eastham and Orleans Canal; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and do and suffer all other matters and things which bodies politic may or Persons incorporated. May sue and be sued.

ought to do and suffer. And the said corporation may and shall have full power and authority to make, have and use a common seal, and the same to break and renew at pleasure.

Damages.

SECT. 2. *Be it further enacted*, That if it shall so happen that any individual or body corporate shall be damaged in his or their lands or marsh adjoining said canal, by cutting and keeping open the same, the damages so done shall be recompensed by the proprietors thereof, in such sums or proportions thereof as shall be ordered by the Circuit Court of Common Pleas, for the county of Barnstable, upon an inquiry into the same by a jury summoned for that purpose, at the expense of said proprietors of said canal, if any damage shall be assessed by said jury.

Bridges.

SECT. 3. *Be it further enacted*, That it shall be the duty of proprietors to make and keep in good repair, at all times, good and sufficient bridges over said canal, where any county, town or private roads now are, or hereafter may be laid out across the same, for the passage of teams, and every thing else necessary for the public convenience.

May build wharves.

SECT. 4. *Be it further enacted*, That the said proprietors shall have full power to build any wharf or wharves which may be necessary to facilitate the transportation through the same.

SECT. 5. *Be it further enacted*, That if the said proprietors shall refuse or neglect, for the space of three years after the passing of this Act, to open and complete said canal, then this Act shall be void and of no effect.

Rates of toll.

SECT. 6. *Be it further enacted*, That the said canal shall be kept open for boats and rafts and other water craft, and for all persons who may want to pass or transact business therein, they paying to said proprietors the following toll, viz : Every boat, of the burthen of one ton, ten cents; and the same proportion for vessels of a larger size; lumber twenty-five cents per thousand feet; salt or grain one cent per bushel; for each barrel six cents; and in the same proportion for all other kinds of lumber or merchandize.

Proprietors to choose officers.

SECT. 7. *Be it further enacted*, That Jonathan Bascom, Esq. be, and he is hereby empowered and directed to issue his warrant to one of the proprietors aforesaid, requiring him to notify a meeting of the proprietors in manner as the law directs; and the proprietors, at said meeting, shall choose a clerk, who shall be sworn to the faithful discharge of his duty, and all other needful officers, for managing the business of said proprietary, which they shall have power to choose from time to time, afterwards, as necessary; and said proprietors shall agree on a method for calling future meetings. [June 16, 1817.]

Chap. 44.

AN ACT to annex certain land to Mount Washington, and certain land to Egremont.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the section of land lying within the incorporation of Egremont, at the south west corner thereof, including the lands of Jesse Coe and Nathan Soles, and the lands of others,

with their families and estates, be, and they are hereby set off from the said town of Egremont, and annexed to the said town of Mount Washington, by the metes and bounds here described, viz.: beginning at the south west corner of Egremont, thence north twenty degrees east, four hundred and fifty-six rods in Egremont west line, to a heap of stones; thence east thirty-two degrees south, one hundred and eighty-six rods to a heap of stones, being the north east corner of Jesse Coe's lot; thence south thirty-four degrees east, five hundred and ten rods, to the south line of said Egremont; thence west eight and an half degrees north, six hundred and eight rods, to the bounds first mentioned; containing nine hundred and twenty-nine acres and one fourth of an acre.

Boundaries.

SECT. 2. *Be it further enacted*, That the section of land lying within the said town of Mount Washington, commonly called Willard's Hollow, by the metes and bounds here described, viz.: beginning at a heap of stones, where the south line of said Egremont intersects the east line of said Mount Washington; thence west eight and an half degrees north, three hundred and two rods, to a heap of stones in the south line of said Egremont; thence south thirty-four degrees east, four hundred rods, to a heap of stones; thence east twenty degrees north, one hundred and forty rods, to the east line of said Mount Washington; thence north fifteen degrees west, two hundred and forty rods, to said Egremont south line, the place of beginning; containing three hundred and eighty-six acres and an half acre, be, and hereby is set off from the said town of Mount Washington, and annexed to the said town of Egremont: *Provided however*, that the lands hereby annexed to the towns of Egremont and Mount Washington, and the inhabitants dwelling thereon, and all non-residents, shall be holden to pay all taxes assessed upon them respectively, in the respective towns to which they formerly belonged, prior to the passing of this act. [June 17, 1817.]

Proviso.

Holden to pay taxes.

An ACT authorizing the United States to make a Draw in the Old Bridge, between Cambridge and Brighton, in the county of Middlesex.

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the United States of America be, and they hereby are authorized and empowered to make, at their own expense, a good sufficient draw and passage way in the old bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex; and also to erect such piers on either, or both sides of said bridge, as may be necessary to secure the bridge, and to facilitate the passage of vessels through the same.

May erect piers.

SECT. 2. *Be it further enacted*, That said draw shall not be less than twenty feet wide, with a leaf or leaves of sufficient length and breadth, and every requisite for raising the same; and the leaf or leaves, and all other parts of said draw, which serve as a portion of the bridge, for the accommodation of travel over the same, shall always be maintained and

Bridge to be
kept in repair.

kept in repair by the towns of Cambridge, West Cambridge, Lexington and Brighton, which now have to support said bridge; but all the machinery necessary for raising the draw, and also the piers on the sides of the bridge, as aforesaid shall be furnished and kept in repair by the said United States, so long as they shall have occasion for a draw in said bridge. [June 17, 1817.]

Chap. 50.

See 1799 ch.
60.

AN ACT in further addition to an Act, entitled, "An Act for the due regulation of weights and measures, and for the more easy recovery of fines and penalties, within the town of Boston, in the county of Suffolk."

Notice to be
given.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall be the duty of the sealer of weights and measures within and for the town of Boston, to be provided with a house or office, and to which all persons using scale beams, steelyards, weights or measures, within the town of Boston, in trade, for the purpose of buying or selling any article, shall be required, after notice thereof shall have been given in two or more of the newspapers published within the said town, to send annually their scale beams, steelyards, weights and measures, for the purpose of having the same tried, proved and sealed, as is provided in and by the act aforesaid, to which this is in addition; and the said sealer shall be entitled to demand and receive therefor such fees as are allowed in and by the said act.

Sealer author-
ized to exam-
ine weights and
measures.

SECT. 2. *Be it further enacted,* That the said sealer is hereby authorized and required to go to the houses, stores and shops of all such merchants, innholders, traders, retailers, and of all other persons living or residing within the said town of Boston, using beams, steelyards, weights or measures, for the purpose of buying and selling, as shall neglect to bring or send the same to the house or office of the sealer aforesaid; and there, at the said houses, stores and shops, and having entered the same with the assent of the occupant thereof, to try, prove and seal the same, or to send the same to his said house or office, to be tried, proved and sealed, and shall be entitled to demand and receive therefor double the fees he would be entitled to demand and receive for the same, if such beams, steelyards, weights and measures had been sent to his said house or office, with all expenses attending the removal and transportation of the same; and if any such person or persons shall refuse to have his, her, or their beams, steelyards, weights, or measures so tried, proved and sealed, the same not having been tried, proved, and sealed, within one year preceding such refusal, he, she, or they, shall forfeit and pay ten dollars for each offence; the one moiety to the use of the said town of Boston, and the other moiety of the same, to the sealer. And if any such person, or persons, shall use any beam, steelyard, weight, or measure, which shall not conform to the public standard, the same not having been tried, proved and sealed within one year preceding such use of the same, he, she or they shall forfeit and pay ten dollars for each offence, the one moiety to the use of said town of Boston, and

Double fees.

Forfeitures.

the other moiety of the same to the informer. And if any such person or persons shall alter any beam, steelyard, weight or measure, after the same shall have been tried, proved and sealed, so as that the same shall by such alteration be made not to conform to the public standard, and shall fraudently make use of the same, he, she, or they shall forfeit and pay fifty dollars for each offence, the one moiety to the use of the said town of Boston, and the other moiety of the same to the informer.

SECT. 3. *Be it further enacted*, That all fines, forfeitures and penalties accruing within the said town of Boston, under this act, or for the breach of any by-law of the said town, which is now in force, or which may hereafter be duly enacted and made, may be recovered by indictment, information or complaint, in the name of the Commonwealth, in any court competent to try the same; and all fines so recovered and paid shall be appropriated to the uses for which the same are now by law ordered to be applied; reserving, however, in all cases to the party complained of and prosecuted, the right of appeal to the next Municipal Court, in the town of Boston from the judgment and sentence of any Justice of the Peace, in which case the judgment of the said Municipal Court shall be final; and to the next Supreme Judicial Court, to be holden within the county of Suffolk, and for the counties of Suffolk and Nantucket, from the judgment of the Municipal Court where the indictment or information originated in the same, such party recognizing with sufficient surety or sureties, to the satisfaction of the Court, to enter and prosecute his, her, or their said appeal, and to abide the final judgment thereon.

Forfeitures and penalties to be recovered by law.

SECT. 4. *Be it further enacted*, That when any person, who upon a conviction before a Justice of the Peace, for any offence mentioned in this act, or for the breach of any by-law of the town of Boston, shall be sentenced to pay a fine, and shall not appeal from said judgment, or if upon claiming an appeal, shall fail to recognize as aforesaid, and upon not paying the fines and costs so assessed upon him, shall be committed to prison; there to remain, until he or she shall pay such fines and cost, or be otherwise discharged according to law; such persons shall not be holden in prison for a longer term than ten days; and at the expiration of that term, the keeper of the said gaol is hereby authorized to release such person from confinement.

Shall not appeal from judgment.

SECT. 5. *Be it further enacted*, That all fines and penalties, which shall be hereafter recovered for any offences, which shall hereafter be committed against the act of this Commonwealth, which was made and passed on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled, "An act in addition to an act, entitled, an act for the due regulation of licensed houses," shall be appropriated, the one moiety to the town of Boston, and the other moiety of the same to the informer, any thing to the contrary in that act notwithstanding. (1816 ch. 112.)

SECT. 6. *Be it further enacted*, That the seventh section of the act aforesaid, to which this is in addition, be, and the same is hereby repealed, so far as respects the said town of Boston. [June 17, 1817.]

Chap. 51.

An ACT to alter and change the Names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Dudley Atkins Tyng, junr. of Cambridge in the county of Middlesex, shall be allowed to take the name of Dudley Atkins: James Chever, the third, of Salem, in the county of Essex, shall be allowed to take the name of James W. Chever: Thomas Smith shall be allowed to take the name of Thomas Tarlton Smith: Edward Loring Davis, of Barnstable, in the county of Barnstable, shall be allowed to take the name of Lothrop Davis: George Kuhn, son of Jacob Kuhn, of Boston, in the county of Suffolk, shall be allowed to take the name of George Horatio Kuhn: Leonard Cummings Smith, of Leominster, in the county of Worcester, shall be allowed to take the name of Crowninshield Van Jerome Smith: John Platts Palmer, of Rowley, in the county of Essex, shall be allowed to take the name of John Platts: Luther Platts, of said Rowley, shall be allowed to take the name of Luther Platts Palmer: William Greenough, of Boston aforesaid, shall be allowed to take the name of William Hardy Greenough: Catharine Hay Weld, of the same Boston, shall be allowed to take the name of Catharine Weld Hay: John Frost, of said Cambridge, shall be allowed to take the name of John Henry Augustus Frost: Oliver Blackman Everett, of Dedham, in the county of Norfolk, shall be allowed to take the name of Oliver B. Everett: Eliza Rider, of said Salem, shall be allowed to take the name of Eliza Rider Atkinson: Mary Fuller, of said Boston, shall be allowed to take the name of Ann Mary Fuller Weld: Thomas Weld, of said Boston, shall be allowed to take the name of Thomas Greenleaf Weld: Samuel Heywood, of said Boston, shall be allowed to take the name of Samuel P. Heywood: William Ward, of said Boston, merchant, shall be allowed to take the name of William Haven Ward: Charles Treadwell, junr. of said Salem, shall be allowed to take the name of Francis Charles Treadwell: Nathan Webber, of Gloucester, shall be allowed to take the name of Edward Webber: Francis Fay, jun. of Southborough, shall be allowed to take the name of Francis Ball Fay: Barnabas Blankinship, of Rochester, shall be allowed to take the name of Barnabas B. Nye: Laurens Bascom, of Southampton, shall be allowed to take the name of Henry Laurens Bascom: John Gifford, of Westport, in the county of Bristol, shall be allowed to take the name of John Winslow Gifford: Harriot Bowers, of Billerica, shall be allowed to take the name of Silence Bowers: Samuel Tenney, jun. of Newburyport, shall be allowed to take the name of Samuel Newell Tenney: Harriot Swett, of Dracut, shall be allowed to take the name of Harriet Swett Varnum:

Names altered.

And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names, which by this act, they are respectively allowed to take and assume, as aforesaid; and said names shall, forever hereafter, be considered as their only proper and legal names, to all intents and purposes. [June 17, 1817.]

An ACT authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their Capital Stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the capital stock of the President, Directors and Company of the Springfield Bank, shall be one hundred and fifty thousand dollars; the number of shares to be increased one half of the number as at present established by law; and that the sum necessary to complete the said capital, shall be paid in, one half on the first day of August next, and the other half on the first day of January next, any thing in the several acts to which this is in addition, to the contrary notwithstanding. *Provided nevertheless,* that before the said corporation shall proceed to do business upon the additional capital, a certificate signed by the President and Directors of said corporation, verified by the oath of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth. [June 17, 1817.] Further act—1817 ch. 115.

Chap. 54.

1813 ch. 90.

1814 ch. 1. 60.

1815 ch. 110.

Capital stock increased.

Proviso.

An ACT in further addition to an Act, entitled, "An Act to incorporate the President, Directors and Company of the Hampshire Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of one year from and after the first day of March last past, be allowed to the President, Directors and Company of the Hampshire Bank, for the payment into the said bank, of the fourth instalment of the capital stock thereof, any law to the contrary notwithstanding. [June 17. 1817.]

Chap. 55.

1813 ch. 59.

1814 ch. 125.

1815 ch. 93.

Further time allowed.

An ACT in addition to the several acts relating to the proprietors of Mills, on Charles River.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Clerk of the proprietors of mills, on Charles River, or in case of his absence, death, inability, or refusal to act, any other officer, or any principal member of the said corporation, be, and is hereby authorized to call any meetings of the said corporation, (upon application therefor, by any one or more of the said proprietors,) by publishing notice thereof, and of the time and place for holding the same, in some public newspaper printed in Boston, or by giving written notice thereof to the respective proprietors in person or leaving the same at their last and usual place of abode, seven days at least before the time appointed for such meeting; and all meetings of the said proprietors, which have been had in pursuance of notice from

Chap. 56.

1797 ch. 45.

(V. 2. p. 193.)

1808 ch. 3.

May call meetings.

Proviso.

the Clerk of the said corporation, are hereby made valid; and all the doings of the said proprietors, at any such meeting, are hereby confirmed: *provided*, the making valid the proceedings of such meetings, and confirming the doings of the said proprietors thereat, shall not affect the interests or rights of persons not members of said corporation; and the affidavit of the Clerk of the said proprietors, and of any other person who may call any meeting, or who has, or shall have given or served any notice of the meeting of the said proprietors, made before any Justice of the Peace, within six months from the making of this act, or from the time of holding any meeting, shall in all cases be admitted as evidence of the fact it shall contain, concerning the manner and time of calling and notifying the meeting of the said proprietors, to which such affidavit may relate.

SECT. 2. *Be it further enacted*, That any corporation which is, or may become owner of any mills, on Charles River, may be admitted a member of the corporation of the proprietors of mills on Charles River, and may act and be represented at the meetings, and in all affairs of the said proprietors, and be served with the notice of meetings, by and through the Clerk of such corporation, owner as aforesaid, or by and through any other person or persons for that purpose appointed. [June 17, 1817.]

Chap. 60.

An ACT to incorporate the Hampshire Education Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Lyman, Enoch Hale, Nathaniel Smith, Josiah Dwight, William Porter, and Vinson Gould, together with those who may have associated, and who may hereafter associate with them, be, and they hereby are incorporated and made a body politic, by the name of the Hampshire Education Society; and the society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to alter at pleasure, and may purchase and receive by gift or devise, lands, tenements and real estate of any kind, and the same hold in fee simple or less estate, the annual income and profits whereof shall not exceed the value of six thousand dollars. And the said society is hereby enabled to take and receive subscriptions of charitably disposed persons, and may take any personal estate in succession: and all donations to the society, either by subscription, legacy or otherwise, (excepting such as shall be differently appropriated by the donors, or by a vote of the society, agreeably to their constitution) shall make a part of, or be put into the capital stock of the society, which shall be put out on interest on good security, or otherwise improved to the best advantage, and the income or profits applied to the purpose of aiding indigent young men of talents and hopeful piety, in acquiring a learned and competent education for the gospel ministry.

Powers.

Regulation of
funds.

Officers chosen.

SECT. 2. *Be it further enacted*, That the said society may choose a president, vice-president, clerk, treasurer, and such other officers as they shall see fit; and may at their first meeting, under this incorporation, by the vote of two thirds of their

members present at said meeting, adopt such constitution, or system of rules and by-laws, as they shall think necessary for the orderly conducting and executing the business of said society, and for the most effectually securing the object of their institution; which constitution, or system of rules and by-laws, shall be for the government of said society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out: *provided* such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

By-laws.

SECT. 3. *Be it further enacted*, That the society aforesaid may, at all times, under the name, style and title aforesaid, sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may appoint an agent or agents to prosecute and defend suits with power of substitution; and it shall be lawful for the said society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way, or right accruing to them, in their corporate capacity, (unless that which is given be otherwise expressly ordered or appropriated by the donor) and convey the same by deed or other legal instrument duly executed; and when the property to be conveyed is real estate, under the hand of the treasurer and the seal of the society: *Provided*, that all monies arising from such sale be applied to the same use to which the income thereof was before applied.

May sue and be sued.

May sell real estate.

Proviso.

SECT. 4. *Be it further enacted*. That Josiah Dwight, Esquire, be, and he hereby is authorized, by notification in the Hampshire Gazette, printed in Northampton, to appoint the time and place of the first meeting of said society. [Jan. 27, 1818.]

An ACT to incorporate certain persons by the name of the Associated Instructors of Youth, in the town of Boston, and elsewhere.

Chap. 62.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer Pemberton, Daniel Staniford, Jonathan Snelling, Thomas Payson, Joseph Mulliken, Lawson Lyon, Jonathan Huntington, Benjamin Gleason, Benjamin Holt, John Haskell, Proctor Pierce, Ephraim H. Farrar, John R. Cotting, Amos Clarke, Benjamin Chamberlain, their associates, and such others as may hereafter join them, be, and they hereby are incorporated into a body politic, by the name of the Associated Instructors of Youth, in the town of Boston, and elsewhere, with power to sue and be sued, to plead and be impleaded, to make and use a common seal, and to alter and renew the same at pleasure, and to exercise and enjoy all such rights, powers, and privileges, as are common to similar bodies corporate.

Persons incorporated.

Powers.

SECT. 2. *Be it further enacted*, That the said corporation shall have power to receive, and take by grant, gift, or otherwise, property, real, personal, and mixed, not exceeding in amount or value, the sum of fifty thousand dollars, and to hold and manage the same at their pleasure, as a fund, towards the relief and support of superannuated and other indigent instructors of youth, their widows, and children; for instituting and granting premiums to excite and reward emulation and improvement

May hold real estate.

May bestow premiums.

among instructors and scholars; and for any other similar purposes of charity, to which the said corporation may apply the same.

Powers.

SECT. 3. *Be it further enacted*, That the said corporation shall have power, at any regular meeting of the same, to make such constitution and by-laws for the government of the same, as they may find necessary; *provided*, that nothing in such constitution, or by-laws, shall be repugnant to the constitution or laws of the Commonwealth.

Choice of officers.

SECT. 4. *Be it further enacted*, That at any regular meeting of the said corporation, they may proceed to elect such officers as shall be found necessary for the government and orderly conducting the affairs of the same, according to the constitution and laws of said corporation; and that Thomas Payson, Esq. be, and he is hereby empowered and directed to call the first

First meeting.

meeting of the same, within twenty days after the passing of this Act, by giving notice of the time and place of holding the same, in one or more of the public newspapers printed in the town of Boston, three days at least, prior to the holding of the same. [Jan. 27, 1818.]

Chap. 64.

An ACT to incorporate the Institution for Savings, in the town of Salem and its vicinity.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward Augustus Holyoke, Joseph Story, Benjamin Pickman, Jacob Ashton, Joseph White, Moses Townsend, Jonathan Neal, Joseph Peabody, Benjamin Pickman, junior, Nathan Robinson, Nathaniel Bowditch, David Cummins, William Silsbee, Gideon Barstow, John Osgood, Willard Peele, Dudley L. Pickman, William Fettyplace, John W. Treadwell, Stephen White, and Leverett Saltonstall, together with such as have associated with them, be, and they hereby are incorporated into a society, by the name of the Institution for Savings, in the town of Salem, and its vicinity; and that they and such others, as shall be duly elected members of the said corporation, as is in this Act provided, shall be, and remain a body politic and corporate, by the same name forever.

Deposits.

SECT. 2. *Be it further enacted*, That the said society and corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

Dividends.

SECT. 3. *Be it further enacted*, That all deposits of money received by the said society, shall be by the said society used and improved to the best advantage; and the net income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors or administrators, in just proportion; and the principal of such deposits may be withdrawn at such reasonable times, and in such manner, as the said society shall direct and appoint.

SECT. 4. *Be it further enacted*, That the said society and cor-

poration shall, at their first meeting, and at their annual meetings in January, have power to elect, by ballot, any person or persons, as members of the said society.

Election of members.

SECT. 5. *Be it further enacted*, That the said society may have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid.

May sue and be sued.

SECT. 6. *Be it further enacted*, That the said society shall hereafter meet at Salem, at such time in the month of January annually, and at such other times as the society or the president thereof may direct, and any seven members of the said corporation, the president, a vice-president, treasurer or secretary being one, shall be a quorum; and the said society, at their meeting in January, annually, shall have power to elect and choose a president, and all other such officers as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and the treasurer and secretary, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Choice of officers.

SECT. 7. *Be it further enacted*, That the said society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the corporation; *provided* the same are not repugnant to the constitution or laws of this Commonwealth.

By-laws.

SECT. 8. *Be it further enacted*, That John Osgood, Willard Peele, and Stephen White, or any two of them, be, and they hereby are authorized, by public notification, in the two newspapers printed in Salem, to call the first meeting of the said society, at such time and place as they shall judge proper. [Jan. 29, 1818.]

First meeting.

An ACT authorizing the President, Directors and Company of the Nantucket Pacific Bank to increase the amount of their Capital Stock.

Chap. 65.
1812 ch. 45.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Nantucket Pacific Bank be, and they are hereby allowed to increase the capital stock of said bank, one hundred thousand dollars, in addition to the sum allowed by their act of incorporation; the said additional sum to be subject to the same rules, restrictions and limitations, as are stated in the original Act, to which this is in addition; and the stockholders of said bank, for the time being, shall have a prior right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

Right of stockholders.

SECT. 2. *Be it further enacted*, That fifty thousand dollars, of the above named additional sum, shall be paid into the said bank, in ninety days after the passing of this Act, and the re-

Time of paying in stock.

Proviso.

maining sum of fifty thousand dollars, on or before the first Monday of October next : *Provided nevertheless*, that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors of said corporation, verified by the oath or affirmation of the directors, and attested by the cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the secretary of this Commonwealth. [Jan. 29, 1818.]

Chap. 67.

An ACT to annex John Cooper to the Second Parish in West Springfield.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, John Cooper, of West Springfield, in the county of Hampden, with his polls and estate, be, and is hereby set off from the first parish, and annexed to the second parish in said town : *Provided nevertheless*, that the said John Cooper shall be holden to pay all taxes legally assessed on him, by the first parish, prior to the passing of this Act. [Feb. 2, 1818.]

Condition of secession.

Chap. 68.

1814 ch. 23. 65.
1815 ch. 93.

An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Pawtucket Bank," and of the several Acts in addition thereto.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Pawtucket bank, in lieu of being paid in, at the time by law now prescribed, may, respectively, be paid in at the discretion of the stockholders of said bank, at any time within one year from the passing of this Act, any thing in the several Acts to which this is in addition, to the contrary notwithstanding. [Feb. 2, 1818.] Further act—1818 ch. 51.

Payment of stock extended.
(Altered by
1818 ch. 51.)

Chap. 71.

1814 ch. 53. 58.

An ACT authorizing the President, Directors and Company of the Merrimack Bank to increase the amount of their Capital Stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Merrimack Bank be, and they are hereby allowed to increase the capital stock of said bank, fifty thousand dollars, in addition to the sum allowed by their Act of incorporation ; the said additional sum to be subject to the same rules, restrictions and limitations as stated in the original Act, to which this is in addition : And the stockholders of said bank, for the time being, shall have the exclusive right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

SECT. 2. *Be it further enacted*, That twenty-five thousand dollars of the above named sum shall be paid into the said bank, on or before the first Monday of April next ; and twenty-five thousand dollars on or before the first Monday of October next : *Provided nevertheless*, that before the said corporation shall pro-

Time of paying in stock.

Proviso.

ceed to do business upon the said additional capital, a certificate, signed by the president and directors of said corporation, verified by the oath of the directors, and attested by the cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the secretary of this Commonwealth. [Feb. 2, 1818.]

An ACT to incorporate the Proprietors of the New-England Museum and Gallery of Fine Arts. Chap. 74.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ethan A. Greenwood, Peter B. Bazin, John Dwight, and Samuel Jackson, with their associates, successors and assigns, shall be, and hereby are made a corporation, by the name of the New-England Museum and Gallery of Fine Arts, for the purpose of establishing said institution in the town of Boston; and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to alter or renew at pleasure; and also to appoint a treasurer and clerk, with such other officers as they may think expedient; and also to establish and put into execution such by-laws and regulations as to them shall appear necessary and convenient for the government of said corporation and the prudent management of their affairs; *Provided* the same be not repugnant to the laws of this Commonwealth.

Persons incorporated.

May sue and be sued.

May choose officers, and make by-laws.

SECT. 2. *Be it further enacted,* That said corporation are hereby made capable in law to hold and possess, for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and personal estate to the amount of twenty-five thousand dollars. [Feb. 3, 1818.]

May hold real and personal estate.

An ACT concerning the Union and Boston Banks.

Chap. 75.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the seventh section of an Act, entitled "An Act to incorporate the President, Directors and Company of the Union Bank," passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, and also the seventh section of an Act, entitled "An Act to incorporate the President, Directors and Company of the Boston Bank," passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, be, and the same hereby are repealed. [Feb. 3, 1818.]

1812 ch. 38.

Parts of acts repealed.

1812 ch. 34.

An ACT to establish the Union Wheel Factory Company.

Chap. 79.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Mellen Battle, Benjamin Bass, Warren White, and Benjamin White, together with such other persons as now are, or may hereafter be associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Union Wheel Factory Company, for the purpose

Persons incorporated.

Powers and
privileges.

(1808 ch. 65.)

of making wheels, pumps, blocks, screws, shives, and for the turning of wood and iron generally, in the town of Natick, in the county of Middlesex, and Boston, in the county of Suffolk; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in “An act defining the general powers and duties of manufacturing corporations,” passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Capital Stock.

SECT. 2. *Be it further enacted*, That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may be convenient and necessary for the carrying on of the manufactures aforesaid. [Feb. 7, 1818.]

Chap. 80.

An ACT to incorporate the Attleborough City Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joel Read, Lemuel May, Carlos Barrows, Squire French, Ebenezer Draper, and Nathaniel Allen, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Attleborough City Manufacturing Company, for the purpose of manufacturing cotton yarn, on the Seven Mile River, (so called) in the town of Attleborough, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “An act defining the general powers and duties of Manufacturing Corporations.”

Powers and
privileges.

(1808 ch. 65.)

May hold real
estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of forty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton yarn in said town of Attleborough. [Feb. 7, 1818.]

Chap. 81.

An ACT incorporating the South Congregational Society in Barnstable.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Phinney, Paul Phinney, William Phinney, Solomon Phinney, Alvan Phinney, James Crosby, Job Childs, Ephraim Lewis, Levi Kelley, Thomas Lewis, Joseph Lewis, James Lewis, Edward Lewis, Freeman Kelley, Benjamin Jacob Childs, Eleazer Bearse, Ebenezer Case, Gershom Bearse, John Bearse, Moses H. Bearse, Eli Hinckley, Allen G. Drody, Sylvanus Alexander, Moses Sturgess, Timothy Crocker, Lot Bearse, Benajah Berry, Timothy Bearse, Josiah Bearse, Allen Hallet, Ebenezer P. Bearse, Freeman Bearse, Samuel Pitcher, Peter Norris, Elisha Hall, Luther Hall, Ebenezer Case, junior, Lot Case, James Hathaway, junior, Seth Bassett, Henry Bassett, Samuel Sturgess, John Sturgess, John Sturgess, junior, Lot

Sturgess, David Linnell, John Richardson, Richard Phinney, Thomas Phinney, Lewis Crosby, Silvanus Hinckley, Benjamin Hathaway, Levi Hinckley, and George Hinckley, with their polls and estates, be, and they are hereby incorporated into a society, by the name of The South Congregational Society, in Barnstable, with all the privileges and immunities which other parishes in this Commonwealth are by law entitled to.

SECT. 2. *Be it further enacted*, That any inhabitant of the town of Barnstable, who may wish to become a member of said South Congregational Society, may, on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty, join said society, and become a member thereof, he applying to the Clerk of said South Congregational Society, and entering his intention with him, and delivering to the Clerk of the parish he is about to leave, a certified copy of his intention. And any member of said South Congregational Society, who may wish to join either of the other congregational societies in Barnstable, on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty, may become a member of either of said societies, by the like proceedings.

Secession.

SECT. 3. *Be it further enacted*, That all persons, who may hereafter settle in the said town of Barnstable, and purchase the estates of members of said South Congregational Society, shall thereby become members of said South Congregational Society, and shall have the liberty of joining either of the other congregational societies in said town, within one year next afterward, by leaving a certified copy of his or her intention, as is provided by the second section of this act. And all other persons, who may hereafter settle in said town of Barnstable, may join said South Congregational Society, within one year next afterwards, by a similar proceeding.

Membership.

SECT. 4. *Be it further enacted*, That when any person, an inhabitant of said town of Barnstable, shall arrive at the age of twenty-one years, and may wish to join said South Congregational Society, of which he or she is not a member, he or she shall be allowed one year next afterward, to join said South Congregational Society, in the same way and manner as is provided in the second section of this act; and all persons who may wish to leave said South Congregational Society, when they shall arrive at the age of twenty-one years, shall be allowed one year next afterwards, to join either of the other congregational societies, in the same manner.

May join church in one year.

SECT. 5. *Be it further enacted*, That David Scudder, Esquire, or any other Justice of the Peace for the county of Barnstable, be, and hereby is authorized, (upon application made for that purpose,) to issue his warrant, directed to some member of said South Congregational Society, requiring him to warn the members of said society, qualified by law to vote in parish affairs, to assemble at some suitable time and place, as shall be expressed in said warrant, to choose such officers as parishes by law are required to choose, in the month of March or April annu-

May call meetings and choose officers.

ally, and to transact all other matters and things necessary to the well being of said society. [Feb. 7, 1818.]

Chap. 90.

An ACT to authorize the town of Hingham to sell certain real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Hingham, at any legal meeting or meetings, by them to be held, may, from time to time, appoint a committee of three discreet freeholders, inhabitants of said town, who shall have power, during their continuance in office, to sell and pass deeds of any or all such pieces and parcels of land, held by the said inhabitants as aforesaid, to any person or persons, his, her or their heirs and assigns, for such consideration as shall be agreed upon; which deed and deeds, duly executed, acknowledged and recorded, shall pass good titles to the purchaser or purchasers, his, her or their heirs and assigns, so that neither the said inhabitants, nor the said proprietors or their legal representatives shall ever have, claim, demand, or recover the same, or any part of the said lands.

May sell land
and pass deeds.

SECT. 2. *Be it further enacted,* That the money which shall be received for the sale of said lands, after deducting therefrom all expenses which shall be incurred in the transaction of the business, shall constitute a fund, the interest of which shall be applied, exclusively, to the support of public schools, and the maintenance of the poor of said town. And the Selectmen and Treasurer of said town, for the time being, shall be Trustees of said fund, place the same at interest, and apply said interest, as received, to the purposes aforesaid. [Feb. 10, 1818.] Add. act—1818 ch. 37.

Appropriation
of funds to
schools, &c.

Chap. 92.

An ACT to incorporate the President, Directors and Company of the Suffolk Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel R. Miller, Patrick T. Jackson, Eliphalet Williams, William Lawrence, Daniel P. Parker, George Bond, Edmund Munroe, and their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Suffolk Bank, and shall so continue from the third Wednesday in April next, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted.

Persons incor-
porated.

Rights, &c.
1811 ch. 84.

Capital Stock.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars in gold or silver, to be, besides such part as this

Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say; one fourth part thereof on or before the fifteenth day of April next; one fourth part thereof on or before the fifteenth day of July next; one fourth part thereof on or before the fifteenth day of October next; and the residue on or before the fifteenth day of January next. And the stockholders, at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof; which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and paid in, and existing in gold or silver in their vaults, shall amount to one fourth part of the whole capital stock, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine and count the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Boston.

SECT. 4. *Be it further enacted*. That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, which may be required, not exceeding ten per centum of the capital stock, then actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period. at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum; *Provided however*, that the Commonwealth shall never stand indebted to said

Time of payment.

May hold real estate.

Proviso.

Disposition of Stock.

Inspection of vaults.

Location.

Loans to State.

corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Meeting for
choice of offi-
cers.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in the town of Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

State subscrip-
tion.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the legislature made and established.

State Direc-
tors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the legislature shall have a right, from time to time, to appoint a number of directors of said bank, in proportion as the sums paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter, they shall judge fit to exercise that right.

Shall not traf-
fic in foreign
bills.
(Repealed by
1813 ch. 87.)

SECT. 8. *Be it further enacted*, That the said bank shall not receive and issue as currency, or take by way of general deposit, or trade or traffic in, or in any manner receive or purchase, any bills, promissory notes, or other negotiable paper of any incorporated or unincorporated bank of any state, territory, colony or province, whatsoever, except such as may be issued by the bank of the United States or some of its branches, or by some of the banks within this Commonwealth.

Penalties.

SECT. 9. *Be it further enacted*, That should the said bank offend against the provisions of the preceding section, it shall forfeit and pay a sum equal to the whole amount of the bills so received, taken and issued as aforesaid, to be recovered in any court of competent jurisdiction, by bill, complaint or information, the one half for the benefit of the Commonwealth, and the other for the benefit of him or them who shall sue or or prosecute for the same. [Feb. 10, 1818.]

Chap. 94.

An ACT to incorporate the Proprietors of Rowe's Wharf, in the town of Boston.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Israel Munson, John French, John Perry, all of Boston aforesaid, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Rowe's Wharf; and the said corporation, by the same name, are hereby declared

and made capable in law to sue and be sued, to plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

May sue and
be sued.

SECT. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold and possess certain real estate, situate in said Boston, bounded and described as follows, to wit: westerly on Battery March-street, there measuring two hundred and twenty feet, more or less, northerly by India Wharf and by the flats before the same, easterly on the channel, there measuring two hundred and fifty-four feet, more or less, and southerly by a thirteen feet high-way leading from the water to Fort Hill, or however otherwise bounded, together with all the rights, privileges and appurtenances thereof; *provided* the lawful proprietors thereof shall legally convey the same to said corporation; and the said corporation shall have power to sell, grant and alien, in fee simple or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained shall be construed into any grant or confirmation of title to land in the said associates or corporation, or into any authority to extend the dimensions of said wharf beyond the title and authority, which the present proprietors thereof now have and possess in this behalf.

May hold real
estate.

Proviso.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding two hundred in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors according to the interest and portions which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the president of the corporation, and issued to the proprietors accordingly; and the shares in said corporation shall be transferable by endorsement on the back of said certificates; and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

Division of
Shares.

Shares trans-
ferable.

SECT. 4. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding or repairing any buildings whatever, or other property of said corporation, or necessary for the building of any new wharves, or tenements, within the aforesaid limits, or for the improvement and good management of the corporate estate agreeably to the true intent and meaning of this act. And in case any pro-

Assessments,

Sale of delin-
quent shares.

prietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

Limitation of
corporate pro-
perty.

SECT. 5. *Be it further enacted*, That the corporate property which the said corporation shall have and hold, at one time, in virtue of this act, shall not exceed in value the sum of two hundred thousand dollars; and in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *Provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate property; *and provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least in number and value of those present or represented at such meeting; nor unless public notice shall have been given, at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting by proxy in writing.

Regulation of
votes and as-
sessments.

First meeting.

SECT. 6. *Be it further enacted*, That either of them, the said Munson, French, or Perry, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such or any other meeting, agree on the mode of calling future meetings, and shall elect a president and clerk, and may elect all such other officers as said corporation may think fit for conducting and managing the corporate affairs and estate, and the same may change and remove as said corporation shall see fit. [Feb. 10, 1818.]

Chap. 96.
1816 ch. 66.

An ACT in addition to an act, entitled "An Act to incorporate the Merchants' Insurance Company, in Boston."

Augmentation
of stock.
(Further in-
creased
1819 ch. 12.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the capital stock of the Merchants' Insurance Company, in Boston, shall be augmented from one hundred thousand dollars, to one hundred and fifty thousand dollars, and that the additional stock shall be divided into five hundred shares, of one hundred dollars each; and shall be subscribed under the inspection of the president and directors, or a committee appointed by said company; and shall be subject to the conditions, provisions and restrictions contained in said act, except as is hereinafter mentioned.

Time of pay-
ing in stock.

SECT. 2. *Be it further enacted*, That the fifty thousand dollars new stock shall be paid in on or before the first day of

May next, under such penalties as the president and directors shall prescribe.

SECT. 3. *Be it further enacted*, That so much of the thirteenth section of said act, as limits the whole amount said company may have at risk, at any one time, be, and the same hereby is repealed. [Feb. 10, 1818.] Further act—1819 ch. 12. Part of act repealed.

An ACT to incorporate the Executive Committee of the Massachusetts Baptist Education Society.

Chap. 97.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Baldwin, D. D. Reverend Joseph Grafton, Reverend Elisha Williams, Reverend Charles Train, Reverend Jeremiah Chaplin, Reverend Lucius Bolles, and Reverend Daniel Sharp, together with the secretary and treasurer of the corporation, for the time being, are hereby formed into and constituted a body politic and corporate, by the name of the Executive Committee of the Massachusetts Baptist Education Society; and they and their successors shall be and continue a body politic and corporate by that name forever.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said committee shall have power to elect a chairman, and such other officers as they may deem necessary; to have a common seal, and to alter the same at pleasure; to make all such by-laws as may be necessary to promote the objects of the society, not incompatible with the laws of this Commonwealth, and that the same society, by the name aforesaid, as a body politic and corporate, may sue and be sued, prosecute and defend suits to final judgment and execution.

May choose officers, and make by-laws.

SECT. 3. *Be it further enacted*, That the said committee shall be, and they are hereby made capable in law of receiving any grants or devises of lands or tenements, in fee simple, or for a less estate, and also any donations or bequests of money, or other personal estate, which may have been made, or which may hereafter be made, by any person or persons whatever, and to use and improve the same for the purposes and according to the directions herein mentioned: *Provided*, that the said society shall at no time take, hold or possess, in real and personal estate, a greater amount than sixty thousand dollars, upon a just valuation.

May hold real estate.

SECT. 4. *Be it further enacted*, That all grants, donations, devises and bequests of any real or personal estate to the said society, not exceeding in amount the sum of sixty thousand dollars, shall be used and improved to the best advantage; and the annual income thereof, together with the annual subscriptions and contributions, which shall be made to the said society, shall be applied annually to the assistance of such young men in their education for the ministry, as the executive committee shall determine to be fit subjects thereof.

Disposition of funds.

SECT. 5. *Be it further enacted*, That the said executive committee, when seven of them, at least, shall deem it most for the advantage of the society, may sell and dispose of in fee simple, or otherwise, all or any of the real estate belonging to the society, and invest the same in funds, or may apply their per-

May sell real estate.

sonal estate in purchasing real estate, the proceeds of either being always applied to the object for which the said property was given.

Execution of
deeds.

SECT. 6. *Be it further enacted*, That all deeds, grants, covenants and agreements, to be made for, and in behalf of said society, shall be executed under the common seal of the same, and signed by the chairman and secretary.

Number of
Executive
committee.

SECT. 7. *Be it further enacted*, That the said executive committee shall not exceed nine, including the secretary and treasurer of the society, and shall be annually chosen by trustees appointed by the Boston Baptist Association, and such others as shall unite with them for the same object.

Annual meet-
ings.

SECT. 8. *Be it further enacted*, That the said society shall hold their annual meeting on the Thursday next after the third Wednesday in September, at such place as the Boston Baptist Association shall meet.

Powers to alter
this act.

SECT. 9. *Be it further enacted*, That the Legislature shall have power, at any time hereafter, to alter, amend or wholly repeal this act, whenever in their opinion the public good may require it. [Feb. 10, 1818.] See 1817 ch. 101.

Chap. 100.

An ACT to set off William Hunnewell from the town of Charlestown, and annex him to the town of Cambridge.

Conditional set
off.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Hunnewell, of Charlestown, in the county of Middlesex, with his family, polls and estate, be set off from the said town of Charlestown, and annexed to the town of Cambridge, in the said county of Middlesex: *Provided*, that the said Hunnewell shall be holden to pay his proportion of all sums of money granted by the town of Charlestown, prior to the passing of this act. [Feb. 12, 1818.]

Chap. 101.

An ACT respecting the Trustees of the Baptist Education Fund.

Number of
trustees to con-
stitute a quo-
rum.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all future meetings of the trustees of the Baptist Education Fund, five members thereof shall constitute a quorum for the transaction of business, any thing in their act of incorporation to the contrary notwithstanding. [Feb. 12, 1818.]

Chap. 109.

An ACT to prevent the destruction of Pickerel, in the town of Great Barrington.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, whoever shall kill, take or catch any pickerel, in any pond, cove, river, or stream, within the town of Great Barrington, other than by or with a hook or hooks and line, shall forfeit and pay the sum of five dollars, for each and every pickerel so taken, to be recovered by any person who may sue for the same, to his own use, before any Justice of the Peace within the same county. [Feb. 13, 1818.]

An ACT to incorporate the Suffolk Insurance Company.

Chap. 112.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act passed in the year of our Lord one thousand eight hundred and three, entitled "An act to incorporate John Codman and others into a company, by the name of the Suffolk Insurance Company," and all other acts made in addition thereto, be, and the same hereby are repealed.

(1802 ch. 60.)
Act repealed.

SECT. 2. *Be it further enacted,* That the persons now holding shares in the said Suffolk Insurance Company, together with all such persons as have agreed to associate themselves for the same purpose, and who shall become stockholders in the company hereinafter created, be, and they hereby are incorporated into a company and body politic, by the name of the Suffolk Insurance Company, for and during the term of twenty years after the passing of this act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute or defend till final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company, subject to the restrictions hereinafter mentioned.

Re-incorporation.

Powers and privileges.

SECT. 3. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes and profits arising from said business, shall never exceed three hundred thousand dollars; and shall be divided into shares of thirty-three dollars, thirty-three and one third cents each; and the real estate, exclusive of mortgages, which the said company may hold, shall not exceed in value the sum of fifty thousand dollars.

Limitation of stock.

SECT. 4. *Be it further enacted,* That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twelve directors; one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time of the day, and in such place in the town of Boston, as a majority of the directors for the time being shall appoint; of which election, public notice shall be given, in at least two of the newspapers printed in the town of Boston, and continued for the space of ten days immediately preceding such election; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided,* that no stockholders shall be allowed more than thirty votes; and the stockholders not present may vote by proxy, under such regulations as the company shall prescribe. And if, through any unavoidable accident, the said directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Number of officers.

Public notice of election of officers.

May vote by proxy.

SECT. 5. *Be it further enacted,* That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be president, who

Presidency.

shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of the death, resignation or inability to serve, of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year, in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections of directors.

Board of
Directors.

SECT. 6. *Be it further enacted*, That the president and three of the directors, or four of the directors, in the absence of the president, shall be a board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet ; *provided* that such by-laws and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

Shares to be
paid for in mo-
ney.

SECT. 7. *Be it further enacted*, That the sums subscribed by the new stockholders, admitted by the old company, whose charter is hereby repealed, shall be paid in money, at such equal instalments, and under such penalties as the said company shall direct.

First meeting.

SECT. 8. *Be it further enacted*, That Epes Sargent, Esquire, president of said corporation, is hereby authorized to call a meeting of the members of said company, as soon as may be, in Boston, by advertising the same for one week, in two of the newspapers printed in said town, for the purpose of their electing a first board of directors, who shall continue in office until the second Monday of January, one thousand eight hundred and nineteen.

1802 ch. 60.

Old accounts to
be settled.

SECT. 9. *Be it further enacted*, That notwithstanding the repeal, contained in the first section of this act, of the act of incorporation, passed in the year of our Lord one thousand eight hundred and three, the said Suffolk Insurance Company shall be and continue in full force, so far as may be necessary to settle any depending risk, and all other outstanding affairs of said corporation ; also for the recovery and settlement of any claims existing against said company. [Feb. 13, 1818.]

Chap. 115.
1813 ch. 90.
1814 ch. 1. 60.
1815 ch. 110.
1817 ch. 54.

An Act in addition to an Act, entitled " An Act authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their capital stock."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Act, entitled " An Act authorizing the President, Directors and Company of the Springfield Bank to increase the amount

of their capital stock," passed the seventeenth day of June, in the year of our Lord one thousand eight hundred and seventeen, be, and the same is hereby declared to be in full force and operation; excepting, that whereas the time fixed by the said Act, for paying in the additional capital stock, has elapsed, the same may and shall be paid in, one half part thereof on the first day of May next, and the other half on the first day of January next. [*Feb. 16, 1818.*]

An ACT to establish the West Stockbridge and Alford Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sylvanus Tobey, Platt B. Tyler, John Burghardt, Elijah Andrus, and Amos Woodruff, together with such others as have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the West Stockbridge and Alford Turnpike Corporation, for the purpose of making a turnpike road, from the Alford and Egremont turnpike, to the Housatonick river turnpike; beginning at the most convenient place in the town of Egremont, on the Alford and Egremont turnpike, thence west of John Sanford's store, thence to or near Abraham Race's barn, thence to Apollos Dorman's dwelling house, thence to Erastus Hamlin's dwelling house, thence to or near the dwelling house of Sanford Fitch, thence near the west barn, so called, of James Picket, thence to West Stockbridge meeting house, thence north to a stone bridge, near the house of Benjamin Lewis, thence north to the Housatonick river turnpike, in the town of West Stockbridge; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an Act, passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any Acts which have been passed in addition thereto: *Provided however*, that if the said corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this Act, the same shall be void and of no effect. [*Feb. 16, 1818.*]

Time of paying
in stock.

Chap. 116.
See 1807 ch.38.

Persons incor-
porated.

Course of the
road.

General pow-
ers.

Proviso.

An ACT to incorporate the New England Glass Company.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Amos Binney, Edmund Monroe, Daniel Hastings, Demming Jarvis, and their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the New England Glass Company, for the purpose of manufacturing flint and crown glass, of all kinds, in the towns of Boston and Cambridge; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

SECT. 2. Be it further enacted, That said corporation may be

Chap. 117.

Persons incor-
porated.

Powers and
privileges.

(1808 ch. 65.)

May hold real
and personal
estate.

lawfully seized and possessed of such real estate, not exceeding one hundred thousand dollars in value, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [*Feb. 16, 1818.*]

Chap. 124.

An ACT to incorporate the Howard Benevolent Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Vose and his associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are hereby incorporated into a society, by the name of the Howard Benevolent Society; and by that name shall be a corporation forever; with power to have a common seal, to make contracts relative to the objects of their institution; to sue and be sued; to establish by-laws and orders for the regulation of the said society, and the preservation and application of the funds thereof; *provided* the same be not repugnant to the constitution or laws of this Commonwealth; to take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise or otherwise; and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution: *Provided*, that the value of the real estate of said society shall never, at any one time, exceed twenty thousand dollars, and the annual income of the whole estate of said society shall not exceed ten thousand dollars.

Powers and
privileges.

Provisos.

Annual sub-
scription.

SECT. 2. *Be it further enacted,* That every person who shall subscribe and pay to the funds of said society, a sum not less than one dollar and a half annually, shall, by such subscription and payment, become a member of said society; liable however to be removed therefrom on neglect or refusal to pay the annual subscription aforesaid.

Annual meet-
ing in Boston.

SECT. 3. *Be it further enacted,* That the said society shall meet annually in Boston, in the month of October, at the time and place their committee may appoint, and shall elect from their members, by ballot, a president, secretary, treasurer, and not less than ten, nor more than fourteen persons, who, together with the president, secretary and treasurer, shall constitute the standing committee, who shall meet discretionally to make pecuniary appropriations, and transact such business as may require their attention; all which officers shall hold their respective offices one year, and until others shall be elected to succeed them, except in case of vacancy by death or resignation, in which case the committee shall have power to fill such vacancy until the ensuing annual election; and five of them shall form a quorum. The society shall also meet in January and April, at the time and place the committee shall appoint, who shall give notice of all meetings of the society, by advertisements in two or more of the newspapers printed in Boston, at least seven days before each meeting.

Pecuniary ap-
propriations.

SECT. 4. *Be it further enacted,* That the committee, for the time being, shall have the management and application of all

the subscriptions, donations, funds and estate of the society, to be appropriated solely for the uses of the society; *provided* such regulations are not repugnant to the laws of this Commonwealth, or the by-laws of this society; and no sale or transfer of any real or personal estate of the society shall be valid, unless approved by the committee.

Disposition of funds, &c.

SECT. 5. *Be it further enacted*, That any writ or process against said corporation, may be served by the officer leaving an attested copy thereof with the treasurer of said society, or at his last or usual place of residence, thirty days before the return day thereof; and the said treasurer, or any person appointed for that purpose, by the society, or by the committee, may appear by attorney, and defend or prosecute any suit in behalf of said society. And all instruments of conveyance or contract, which may lawfully be made by the society, shall be approved by the committee, and signed by the president, and countersigned by the secretary; and, if necessary, sealed with the common seal of said society; and when so executed, shall be binding thereon, and valid in law.

May sue and be sued.

SECT. 6. *Be it further enacted*, That Thomas Vose be, and he is hereby authorized to call the first meeting of the said society, by giving public notice of the time and place of meeting, by advertisement in one or more of the newspapers printed in the town of Boston, at least three days prior to such meeting; and at which meeting, the officers before mentioned of the society shall be elected, and shall hold their offices until the first annual election of officers shall be holden, agreeably to the provisions of this Act. [Feb. 16, 1818.]

Notice of meeting.

An ACT establishing the Hampshire, Franklin and Hampden Agricultural Society.

Chap. 125.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Lyman, Noah Webster, Epaphras Hoyt, Samuel Lathrop, Thomas Longley, Josiah Dwight, Jacob Bliss, Jonathan Smith, Enos Foote, Moses Porter, Elijah H. Mills, Solomon Smead, William Wells, Elihu Hoyt, Isaac C. Bates, Pliny Arms, Jonathan H. Lyman, Perry Babcock, Abner Gibbs, Robert Sessions, Joseph Cummings, junior, Azariah Mosely, and Enos Smith, together with those who shall hereafter associate with them, and their successors, be, and they are hereby made a corporation, for the promotion of agriculture and the domestic arts, by the name of the Hampshire, Franklin and Hampden Agricultural Society; and for this purpose shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth; and the said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income whereof shall not exceed five thousand dollars.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That said Joseph Lyman be, and he hereby is authorized to notify and call the first meeting of the society aforesaid, for the purpose of organizing said society, and the establishment of rules and by-laws for the gov-

First meeting.

ernment of the same, by giving public notice of the time and place of holding said meeting, two weeks successively in the public newspapers printed in Northampton, Greenfield, and Springfield. [Feb. 19, 1818.]

Chap. 126. An Act to annex Asa Webb, with his polls and estate, to the Union Religious Society in the towns of Weymouth and Braintree.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa Webb, with his polls and estate, be, and they hereby are set off from the Rev. Mr. Norton's parish, in the town of Weymouth, and annexed to the Union Religious Society in the towns of Weymouth and Braintree; there to enjoy all the parochial privileges of the said Union Religious Society, and to pay his proportion of all necessary charges that may arise therein, for the purposes aforesaid: Provided nevertheless, that the said Asa Webb shall be holden to pay all taxes now assessed, or that may be assessed for any sums of money now granted by the said Rev. Mr. Norton's parish. [Feb. 19, 1818.]

Conditional
set off.

Chap. 132. An Act to incorporate the First Congregational Parish in Milton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the inhabitants of the town of Milton, with all the lands in said town, (except such inhabitants and such lands as do by law belong to some other parish, or religious society, or are exempt by law from parish charges in said town of Milton.) be, and they are hereby incorporated into a parish, by the name of the First Congregational Parish in Milton, subject to all the duties, and vested with all the rights and privileges, to which parishes are by law entitled.*

Designation of
first parish.

SECT. 2. *Be it further enacted, That the said First Congregational Parish shall be deemed and taken to be successor to the said town of Milton, as far as relates to parochial proceedings, and successor to said inhabitants heretofore acting as a town, parish, or society, in all their rights and immunities of a ministerial or parochial nature; and all the duties, contracts, and undertakings of that description, now binding on the inhabitants of said town, shall devolve on and be obligatory on said parish; provided that nothing herein contained, shall be construed to divert the use of the ministerial lands in said town, from the intention of the donors, as expressed in the original appropriation thereof, or as altering or affecting the title of any such real estate.*

Shall enjoy
parish rights.

SECT. 3. *Be it further enacted, That the first meeting of the said parish shall be convened, by a warrant to be issued by any Justice of the Peace in the county of Norfolk, directed to any principal member of said parish, requiring him to warn the members of said parish, to meet at a suitable time and place, to be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual parish meetings, and to transact such other parochial business as may be authorized in said warrant. [Feb. 19, 1818.]*

Justice to warn
first meeting.

An ACT to annex William Cleverly, and others, to the Union Religious Society in the towns of Weymouth and Braintree. *Chap. 135.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Cleverly, and William Hancock, both of Braintree, in the county of Norfolk, with their polls and estates, be, and hereby are set off from the Reverend Mr. Storrs' parish, in Braintree, and annexed to the Union Religious Society in the towns of Weymouth and Braintree; and that Nathaniel Richards, junior, Phebe Richards, and Dorcas Bates, with their polls and estates, be, and hereby are set off from the first and second parishes in the town of Weymouth aforesaid, and annexed to the Union Religious Society in the towns of Braintree and Weymouth aforesaid, whereof the Reverend Jonas Perkins is pastor; provided that the aforementioned William Cleverly, William Hancock, Nathaniel Richards, junior, Phebe Richards, and Dorcas Bates, shall previously pay their proportion of taxes assessed upon them and due to the aforementioned first and second parishes in Weymouth, and the Reverend Mr. Storrs' parish in Braintree. [Feb. 19, 1818.]

Conditional
set off.

An ACT for the preservation of the Fish, called Alewives, in Mattapoisett River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, any person or persons, who shall aid, assist or abet in the unlawful taking of any of the fish, called alewives, in Mattapoisett river, in Rochester, shall incur and be liable to the same forfeiture or forfeitures, as the person or persons actually taking said fish, to be recovered in the same manner. [Feb. 19, 1818.]

Chap. 136.

1787 ch. 33.
(V. I. p. 180.)
1811 ch. 60.
1814 ch. 99.

An ACT to incorporate The Hawes Place Congregational Society in Boston.

Chap. 137.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Zephaniah Wood, Rufus Harrington, Thomas Hammond, Peleg Holmes, Lemuel B. Spear, Adam Bent, Abel Hewins, David Williams, William Briggs, junior, Theophilus Curtis, Daniel Hobbs, Job Souther, Isaac Thoms, Phineas Mosely, with such others as may hereafter associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Hawes Place Congregational Society in Boston; and the said society is hereby invested with all the powers and privileges, and subjected to the same duties and requisitions as other religious societies are invested and subject to, according to the laws and constitution of this Commonwealth.

Persons incor-
porated.

Powers and
privileges.

SECT. 2. Be it further enacted, That any person, who may at any time hereafter desire to become a member of said Hawes Place Congregational Society, shall declare his or her desire and intention thereof in writing, and deliver the same to the Minister or Clerk of said society, such person shall, from the time of delivering such declaration, be considered a member of said society.

Declaration for
becoming
members.

Secession.

SECT. 3. *Be it further enacted*, That when any member of the aforesaid society may think proper to secede therefrom, the same course and process shall be had and done, as is prescribed in the second section of this act: *Provided however*, that in every case of secession, every such person shall be holden to pay his or her proportion or assessment of all parish or society taxes, legally voted by the society, prior to his or her secession therefrom, in manner above pointed out.

Proviso.

First meeting.

SECT. 4. *Be it further enacted*, That the three first persons mentioned in the first section of this act, or either of them, is hereby authorized to notify and warn the members of this society of the time and place for holding the first meeting, by advertising the same in one or more newspapers printed in the town of Boston, the last publication to be at least three days previous to the time of holding said meeting. [*Feb. 19, 1818.*]

Chap. 138.

An Act to incorporate the British Charitable Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Richards, John Grew, Henry Wainwright, William Wells, John Sowdon, and John Bacon, and their associates and their successors, be, and they are hereby incorporated, and made a body politic by the name of the British Charitable Society; with power to have and use a common seal, to sue and be sued, to ordain and make, from time to time, by-laws and rules for the government and management of the corporation; *provided* the same be not repugnant to the constitution and laws of this Commonwealth; and that they have all the privileges usually given by acts of incorporation to charitable societies.

Proviso.

May hold real and personal estate.

SECT. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or in trust, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of sixty thousand dollars, for charitable purposes.

Notice of meeting.

SECT. 3. *Be it further enacted*, That John Richards be, and is hereby authorized to call the first meeting of said corporation, by advertisement in one of the newspapers printed in Boston, and appoint the time and place thereof, at which meeting by-laws may be passed, and the mode of calling other meetings regulated.

SECT. 4. *Be it further enacted*, That this act may be amended, revised or terminated, at the pleasure of the Legislature. [*Feb. 20, 1818.*]

Chap. 151.

An Act to regulate the Fishery in Monatiquot River in the town of Braintree.

May dispose of privilege.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Braintree, at their meeting in March or April annually, may, and they hereby are authorized to regulate the taking of the fish called alewives, shad and smelts, in Monatiquot river within said town, or to dispose of the privilege of taking the same, to their own use and benefit,

in any manner or way that they may think proper, which sale shall not exceed three years, at one time; and said regulations when made, shall remain in force for one year next ensuing, and afterwards, until new regulations, in manner aforesaid, shall be adopted by the town. And it shall be the duty of said town at their aforesaid meeting, annually, to choose three discreet persons by ballot, whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect, and to prosecute all violations thereof that shall come to their knowledge; and who shall also be sworn to the faithful performance of their duty, in like manner, and under like penalties, as other town officers: *Provided* that nothing herein contained shall be construed to prohibit the inhabitants of the town of Braintree from taking smelts for their use and consumption, or any of the inhabitants of the towns of Quincy or Weymouth, for the same purpose, two days in each week, to be agreed upon by the town of Braintree, at their annual meeting in March or April.

SECT. 2. *Be it further enacted*, That the owners or occupiers of dams across said river shall, during the time said fish are passing up, constantly keep open a passage through, over or round their respective dams, sufficient for the passage of said fish, to the satisfaction of the Selectmen of the said town, for the time being, or a major part of them, under penalty of a sum, not less than twenty, nor more than fifty dollars, for each and every twenty-four hours that they shall neglect to open a passage as aforesaid, from and after said owner or occupier has been notified and required, in writing, by said committee, for the space of two days so to do.

SECT. 3. *Be it further enacted*, That if any person or persons shall make any wear across said river, or cause any obstructions to the free passage of said fish, contrary to the regulations of the town, the person or persons so offending shall, for each offence, forfeit and pay a sum not exceeding fifty dollars, nor less than one dollar, at the discretion of the Court before whom the same may be tried.

SECT. 4. *Be it further enacted*, That all penalties incurred by a breach of this act, may be prosecuted and sued for, before any Court of record proper to try the same, by any inhabitant of said town, being a freeholder; and no person shall be considered as disqualified from being a witness on any trial, that may be had pursuant to this act, by reason of his or her being an inhabitant of said town, (who is not a complainant,) or of being one of the committee aforesaid.

SECT. 5. *Be it further enacted*, That the town of Braintree shall cause to be given to every poor and necessitous family in said town, annually, two hundred of said alewives, and the Selectmen of the said town of Braintree, for the time being, shall or may determine what necessitous or poor family shall be entitled to the benefit of said fish.

SECT. 6. *Be it further enacted*, That all fines and penalties, recovered for a breach of this act, shall be one third part for the use of the complainant, and the other two thirds for the use of the town of Braintree.

Committee to
be paid by
town.

SECT. 7. *Be it further enacted*, That the committee, chosen by virtue of this act, shall be compensated for their service by the town of Braintree, at such rate as the town may agree upon, at the time they are chosen.

1798 ch. 78.

SECT. 8. *Be it further enacted*, That an act, entitled, "An Act to regulate the taking of fish, called alewives, in Monatiquot river in the town of Braintree," passed on the first day of March, in the year of our Lord one thousand seven hundred

(1811 ch. 154.)

and ninety-nine, and an act, entitled, "An Act in addition to an act, entitled an act to regulate the taking of the fish, called alewives, in Monatiquot river, in the town of Braintree," passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twelve, be, and hereby are repealed. [*Feb.* 20, 1818.]

Acts repealed.

Chap. 152.

An ACT to establish the Massachusetts Bay Canal Corporation.

Preamble.

WHEREAS a navigable Canal or Canals, connecting the waters of Buzzard's Bay, or those of the southern side of Cape Cod, with the waters of Barnstable Bay, will be of great public advantage, and essentially promote the commerce, not only of this state, but of the United States, and be the means, under Providence, of saving many lives and much property, otherwise exposed to the dangers of an intricate and hazardous navigation: And whereas, in and by a resolve, passed on the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-two, the aid and encouragement of the Legislature were promised to any person or persons who might thereafter apply for authority and power to effect the intentions and desires of the government in this behalf: And whereas application to this Legislature hath been made by Israel Thorndike, Thomas H. Perkins, Henry A. S. Dearborn, John T. Apthorp, William Tudor, junior, Uriah Cotting, Charles Davis, and Thomas M. Jones, for an act of incorporation, to carry into full effect the useful purposes aforesaid; and this Legislature, moreover, being satisfied of the public benefits to be derived from the completion and establishment of a Canal or Canals, connecting the said waters: Therefore,

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Israel Thorndike, Thomas H. Perkins, Henry A. S. Dearborn, John T. Apthorp, William Tudor, junior, Uriah Cotting, Charles Davis, and Thomas M. Jones, their associates and successors, be, and they hereby are made a corporation and body politic forever, by the name and style of the Proprietors of the Massachusetts Bay Canal, with all the powers, privileges and immunities incident to a corporation aggregate. And said corporation is hereby made capable in law, of having, holding, purchasing, and taking in fee simple, or in any less estate, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real, personal, or mixed, necessary for the making, upholding, and maintaining a navigable canal or canals, as aforesaid.

Powers and
privileges.

SECT. 2. *Be it further enacted*, That said corporation shall have a common seal, and shall be capable in law, to prosecute and defend to final judgment and execution, any action or other process before any Court, Tribunal or Magistrate whatever, and to do and perform all such other acts, matters and things, as an aggregate corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations, as they may find necessary or useful for the well ordering and governing their officers, agents, servants, estates, rights property and interest; and they shall have power to appoint a President, Treasurer, Secretary, and such other officers, agents and servants, as they may find necessary and convenient for them; and to invest them with such powers, and subject them to such duties as may be provided in and by the by-laws and regulations aforesaid; *provided* the same are not repugnant to the laws of this Commonwealth.

By-laws, &c.

SECT. 3. *Be it further enacted*, That said corporation shall have power to explore, mark, and lay out one or more parcels of land, not more than fifty rods wide, across the isthmus of Cape Cod, from Barnstable Bay to Buzzard's Bay, in any direction, through either of the towns of Sandwich, Barnstable, Wareham, or Plymouth; through and over any of which parcels of land they may dig, make and complete, a navigable canal or canals, of suitable depth for the passage of vessels, drawing ten or more feet of water; and for the purposes of supplying and maintaining said canal or canals, the said corporation is hereby authorized to take and use any water of and from any pond or ponds, rivers, and other water courses, as the same may be convenient or necessary; and to make, in any part of such canal or canals, and at the extremities thereof, on both or either the southern and northern sides of the said Cape, all such locks, flood-gates, docks, embankments, artificial harbors, basins, piers, wharves, and other works, as well above as below low water mark, as may be convenient or necessary for the purposes of this act.

Location of Canal.

SECT. 4. *Be it further enacted*, That when the said corporation cannot agree with purchase of any other corporation or individual, over and through whose lands the said canal or canals may pass, then they may apply by petition to the Circuit Court of Common Pleas, for the southern circuit, when holden within and for the county of Barnstable, therein setting forth, by a proper description, the quantity of land they want; and that they are unable to purchase the same by agreement, and requesting the said Court to have the same valued; and may file the same in the office of the Clerk of said court, and may take out a summons from him under the seal of said Court, with a copy of said petition annexed thereto, returnable at the next term of said Court, which summons shall be served at least thirty days before the sitting of said Court, to which it is returnable; and being duly served and returned by the Sheriff of said county, or his Deputy, the same may be entered with the other actions of the said Court; and the said Court shall thereupon proceed to inquire, and by the verdict of a jury, at

Disputes on value of land settled.

the bar of said Court, to ascertain the value of the land taken from any individual or corporation, for the purposes aforesaid; and the same verdict, being allowed and recorded, shall be conclusive on all parties; and the amount, so ascertained, being paid or tendered by said corporation, and if not accepted, left with the said Clerk, for the use of the party entitled to the same, or his or their legal representative, shall operate a transfer of the estate so taken, and vest the same in said corporation, in fee simple, and thereupon they may enter upon, use, occupy and enjoy the same forever: And the said Court, and all officers, who may perform any service on any such application, shall be entitled to the same fees as are by law taxable in civil actions; and the said corporation may join in the said application, any one or more individuals, whose lands may be taken; and the said jury shall, in each case, return separate verdicts for each several respondent; and if, in the opinion of the said Court, it may be necessary, they may, upon the motion of any party, direct a view of the premises by the jury.

Damages to be
made good.

SECT. 5. *Be it further enacted*, That if any person or corporation sustain damage in his or their lands or rights, by using, diverting or drawing off any pond or water course, or by overflowing any lands, in consequence of any Act or thing done by said corporation; and the said corporation shall tender and offer to pay to the party injured as aforesaid, such sum as said corporation may deem a just and reasonable compensation; the same, if found to be sufficient, as hereinafter provided, shall be a bar to any further damages for such injury.

Process of suit
for damages.

SECT. 6. *Be it further enacted*, That any person or corporation, who may sustain damage as aforesaid, may state his complaint in writing, directed to the Circuit Court, or other Court of Common Pleas, holden for the county in which such lands lie, at any term thereof, therein setting forth with legal certainty, the injury they have sustained; and a true copy of such complaint being left with the president or secretary of the said corporation, twenty days, at least, before the sitting of such court, and being afterwards entered upon the docket, said court may hold jurisdiction of such complaint, and give judgment and issue execution thereon; and the said corporation may appear and plead to such complaint, any matter in bar, or abatement, or may traverse the facts therein set forth; and the said court, if an issue in law shall be joined thereon, shall proceed to determine the same; and if an issue in fact shall be joined thereon, the same shall be committed to a jury at the bar of said court, who shall try it and return their verdict thereon, and the same jury shall also inquire, and by their verdict ascertain, what damages the party complaining has suffered; and if the said corporation shall not appear, the court may, upon their default, proceed to inquire by a jury, and ascertain the damages any complainant has sustained. And the same proceedings shall be had respecting such damages as might have been had if the said corporation had appeared and answered to such complaint. And if the jury who may inquire of the damages, in any case where the party has appeared and pleaded in bar

of damages, shall not by their verdict find a greater sum in damages than was tendered as aforesaid, then the respondent shall go free of such complaint. And if the said corporation shall have neglected to tender amends for any injuries done as aforesaid, before they shall be served with a copy of such complaint, then they may, at any court, where such process may be pending, bring into the same court, under a rule for that purpose, for the use of the party complaining, such sum, in satisfaction of the injuries complained of, together with the costs which may then have arisen; and if the complainant will not accept thereof, and shall not afterwards by the verdict of the jury recover a greater sum in damages than shall have been paid into the court under such rule, then the party complained of shall go free of such complaint.

SECT. 7. *Be it further enacted*, That any party aggrieved at the judgment of any Court of Common Pleas, may appeal therefrom, to the next Supreme Judicial Court, to be holden within or for such county as aforesaid; and the party appealing shall, before the same be granted, enter into recognizance with one or more sureties, to prosecute his appeal, and to pay such additional costs and damages as may be awarded against him: and the Supreme Judicial Court shall proceed on such appeal, in all respects, as the court having original jurisdiction thereof.

Appeals.

SECT. 8. *Be it further enacted*, That if any person or persons, shall wilfully, maliciously, or contrary to law, take up, remove, break down, dig under, or otherwise injure any part of said canal or canals, or any work or works connected with, or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to such corporation, a sum not less than fifty dollars, nor more than five thousand dollars, according to the nature and aggravation of injury done or committed: and such offender or offenders, shall further be liable to indictment for such trespass or trespasses, and, on conviction thereof, shall be sentenced to pay a fine to the use of the Commonwealth, of not more than one hundred dollars, nor less than twenty-five dollars.

Penalties for
injuring the
canal.

SECT. 9. *Be it further enacted*, That the stock and property of this corporation, shall be divided into ten thousand shares; certificates of which, shall issue under the seal of said corporation, and be signed by the president and treasurer thereof; and the said shares shall be deemed and taken to be personal estate, and may be transferred by endorsement, and such transfer shall be recorded by the secretary of said corporation. And the said corporation may make assessments on the shares, for the purpose of effecting the objects of the corporation; *provided however*, that the whole amount of the assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars. And in case the amount of fifty dollars, so assessed on each share, will not supply the necessary funds, the corporation may raise the funds required, by selling any shares not subscribed for; or, by creating and selling any necessary number of shares, over and above the said ten thousand. And if the proprietor

Number of
shares.

Assessments.

Delinquents
shares may be
sold.

of any share or shares, shall neglect or refuse to pay any assessment, for the term of thirty days, after the same hath become due, the share or shares, on which there is a delinquency, may be sold at public auction; notice of the time and place of such sale, being given by the treasurer of said corporation, in two public newspapers printed in Boston, three weeks at least, previous to the time appointed for such sale: and the proceeds of the sale shall be applied to the payment of the assessments due on the share or shares, so sold, with the incidental charges; and the surplus, if any, shall be paid to the former owner, or his legal representatives, on demand. And such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate or certificates therefor; *provided however*, that if, before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Rates of toll.

SECT. 10. *Be it further enacted*, That said corporation shall be entitled to ask and receive of and from all vessels passing through said canal or canals, at and after the following rates: From each vessel chiefly laden with lumber, wood, fish, lime, plaster of paris, or stones, and each vessel in ballast, or empty vessel, not more than thirty cents per ton; from every vessel employed in the coasting trade, and chiefly laden otherwise than as aforesaid, not more than forty cents per ton; from every vessel bound to, or coming from any island in the West Indies, or other islands in the Atlantic ocean, or to or from any of the British possessions in North America, not more than fifty cents per ton; from every vessel bound to, or coming from any port or place in Europe, Africa, or the Atlantic coast of South America, not more than eighty cents per ton; from every vessel bound to or coming from the Cape of Good Hope, or beyond said Cape, or round Cape Horn, not more than one hundred and fifty cents per ton: the tonnage in all cases to be ascertained by the register, or coasting or fishing license of the vessel passing said canal or canals. And said corporation shall also be entitled to ask and receive of and from all boats and vessels under thirty tons burthen, and of and from all rafts of lumber, wood, and other articles, passing through said canal or canals, such reasonable toll, in proportion to the rates aforesaid, as may be fixed by the regulations of said corporation; and shall also be entitled to ask and receive of and from every vessel, boat or raft, entering any artificial harbor appertaining to said canal or canals, and not passing through the same, such reasonable rates of dockage, anchorage and wharfage, as may be fixed by the regulations of said corporation. And in all cases the amount of toll, dockage, anchorage or wharfage, due from any vessel, boat, raft, or other thing or article, shall be a lien in favor of said corporation, on such vessel, boat, raft, or other thing or article, until the amount due as aforesaid be paid to said corporation.

SECT. 11. *Be it further enacted*, That it shall be the duty of

said corporation to make and keep in good repair, at all times, good and sufficient bridges, with draws, over said canal or canals, where any county or town roads now cross the land which may be taken for the same, for the passage of teams, mail stages and carriages, and every thing else necessary for the public convenience, toll free.

Free bridges
to be erected.

SECT. 12. *Be it further enacted*, That the stock and property of said corporation shall be exempted from all public taxes, until a dividend shall be made on the shares of said corporation, equal to an annual income of six per centum on the money actually expended by said corporation in making said canal or canals, and other works connected with, and appertaining to the same.

Exemption of
taxes.

SECT. 13. *Be it further enacted*, That no grant, authority, or permission shall be given or granted to any person or persons, corporation or corporations, to make any canal, connecting the waters on the southern side of Cape Cod, with the waters on the northern side thereof, without the consent of the corporation hereby created: *Provided however*, if the said corporation shall not complete a canal or canals, as aforesaid, passable for vessels drawing at least ten feet of water, within six years from and after passing this Act, the same shall be void.

Rights secured.

SECT. 14. *Be it further enacted*, That any four of the persons named in the first section of this Act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper; of which meeting they shall give notice, by publishing the same in any two of the Boston newspapers, the first publication to be at least fourteen days previous to said meeting. And at all meetings of said corporation, one vote shall be allowed to a share, and one vote for every additional two shares, owned by the same proprietor; *provided*, no one proprietor shall be allowed more than forty votes; and absent proprietors may vote by proxy, duly authorized in writing. [Feb. 20, 1818.]

First meeting.

An ACT granting further time to the Stockholders of the Lynn Mechanics' Bank for the payment of the second instalment of their Capital Stock.

Chap. 153.

1813 ch. 193.

1814 ch. 145.

1816 ch. 36

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of twelve months, from the first Monday in January, in the year of our Lord one thousand eight hundred and eighteen, be, and the same is hereby allowed to the stockholders of the Lynn Mechanics' Bank, for the payment of the remaining half of the capital stock of said corporation, the same to be divided into two equal instalments of twenty-five thousand dollars each: the first instalment to be paid on the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and the remainder to be paid on the first Monday in January, in the year of our Lord one thousand eight hundred and nineteen; and that all other Acts, heretofore made respecting the times of payment of the capital stock of said bank, so far as the same are inconsistent with the provisions of this Act, be, and the same are hereby repealed. [Feb. 20, 1818.]

Time of pay-
ment.

Chap. 154.
1809 ch. 119.
1814 ch. 180.

AN ACT to revive and continue in force, an Act, entitled "An Act to establish a Corporation, by the name of the Woburn Turnpike Road and Dracut Bridge Corporation."

Grant of further time.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Act, entitled "An Act to establish a corporation, by the name of the Woburn Turnpike Road and Dracut Bridge Corporation," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, be, and the same is hereby revived and continued in force, for the term of five years from the passing of this Act, for the purpose of enabling the persons therein named, their associates and assigns, to build and complete the said bridge over the said Merrimack river, agreeable to the provisions described in said Act, any law to the contrary notwithstanding.

Meeting for choice of officers.

SECT. 2. *Be it further enacted,* That Josiah Brown, Esquire, be, and he is hereby authorized and directed to notify and warn a meeting of said proprietors, to be holden sometime in the month of April or May next, at such place as he may appoint, for the purpose of choosing a president, clerk, directors, and treasurer, and to transact any other business relative to the affairs of the said corporation, by publishing notification thereof, in one or more of the public newspapers printed in Boston, two weeks at least, before the holding of said meeting. [Feb. 20, 1818.]

Chap. 155.
1811 ch. 147.

AN ACT to provide for the repeal of the fifth section of an Act, entitled "An Act to establish a Town, by the name of North Brookfield."

Claims to be adjusted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Austin Flint, of Leicester, Nathaniel Jones, of Barre, in the county of Worcester, and Joseph Cummings, of Ware, in the county of Hampshire, be, and they are hereby appointed a committee to hear and consider the claim of Brookfield on the one part, and of North Brookfield on the other, under the fifth section of the "Act to establish a town, by the name of North Brookfield;" and thereupon, finally to determine whether the said town of North Brookfield ought on any ground whatsoever, in future, to pay any part of the expenses of maintaining the bridges and causeways in the town of Brookfield; and if any, then what part, and in what manner the same shall be paid, and when the liability of the said North Brookfield shall altogether cease: And, after duly notifying the said towns, and hearing them, touching the premises, to make their report in writing, under their hands, filing the same in the office of the secretary of this Commonwealth.

Conditional repeal of act.

SECT. 2. *Be it further enacted,* That from and after the time the report of said committee, or of a major part of them, shall be made, and filed in the office of the said secretary, the said fifth section of said Act, incorporating the said town of North Brookfield, shall be repealed; and the duties and liabilities of said North Brookfield, resulting from the said section, shall altogether cease: and thenceforth, the said towns, Brookfield and North Brookfield, touching the subject matter of said incorporating Act, shall be regulated and governed by the prin-

ciples and provisions contained in the report of the said committee. The expenses of the said committee to be paid by the said towns, in such proportions as the said committee shall determine: *Provided always*, that nothing in this Act shall be considered as relating to any claim for past expenses of maintaining the said bridges and causeway.

SECT. 3. *Be it further enacted*, That the whole report of said committee may, and shall be enforced at law, in any court proper to try the same; *provided* the said parties do not voluntarily and completely perform the same, agreeably to its provisions and requirements. [Feb. 20, 1818.]

Enforcement
of rule.

An ACT relating to the Braintree and Weymouth Turnpike Corporation.

Chap. 156.
1802 ch. 102.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the turnpike road from Quincy meeting-house to Queen Ann's corner, as the same has been laid out and made by the Braintree and Weymouth Turnpike Corporation, and approved by the Supreme Judicial Court, agreeably to the provisions of the law of incorporation; and all the proceedings relative to the laying out and making of the said road, be confirmed and made valid and effectual, to all intents and purposes whatsoever, any omission in the record of the oaths to the surveyor and committee notwithstanding.

Incorporation
law confirmed.

SECT. 2. *Be it further enacted*, That any Justice of the Peace within the county of Norfolk be, and hereby is authorized to appoint a committee of three disinterested persons, to appraise a small piece of land taken to make said road, which was omitted being appraised, in consequence of the owner's refusing to take any compensation for the same: and which committee, when appointed, shall be sworn to the faithful performance of their duty; and shall or may perform said business when called upon by either party, after giving proper notice of the same, and who shall be compensated for their trouble by said corporation. [Feb. 20, 1818.]

Committee of
appraisement.

An ACT to prevent the taking of Fish near the Dam, at the Canal at South Hadley Falls, on Connecticut River.

Chap. 157.
1793 ch. 71.
(V. 1. p. 518.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person or persons, at any time hereafter, shall take any salmon or shad, within one mile and a half of any part of the dam in Connecticut river, near the canal at South Hadley, with any net, seine, pot, scoop-net, or any other instrument or machine whatever: And if any person or persons, shall take or catch any salmon or shad, contrary to the true intent and meaning of this Act, each person so offending, shall, for every such offence, forfeit and pay a fine of twenty dollars.

Fines.

SECT. 2. *Be it further enacted*, That all nets, seines, and other instruments, or machines, used in taking salmon or shad as aforesaid, shall be, and hereby are forfeited to any person or persons, who shall prosecute for the same, with costs of suit, to his or their own use, upon complaint or information to any Justice of the Peace, in and for either of the counties of Hamp-

Seines for-
feited.

shire or Hampden; who may thereupon issue his warrant to seize the same, to be kept until trial of the said complaint or information, which the said justices are hereby fully authorized to hear and determine.

Fines may be
sued for.

SECT. 3. *Be it further enacted*, That all sums of money, forfeited, by any breach of this Act, shall, and may be sued for and recovered by action or information, with costs of suit, before any Justice of the Peace within the counties of Hampshire or Hampden; and one half of such fine shall enure to him or them, who shall sue or prosecute for the same; and the other half thereof, for the use of the county in which said action or information shall be prosecuted: And any person or persons, aggrieved at the sentence of any Justice of the Peace, given in pursuance of this Act, may appeal therefrom to the next Circuit Court of Common Pleas, to be holden in the county in which judgment may be rendered. [Feb. 20, 1818.]

Chap. 158.
1812 ch. 39.

An Act authorizing the President, Directors and Company of the Phœnix Bank, to increase the amount of their Capital Stock.

Amount of in-
crease.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Phœnix Bank, be, and they are hereby allowed to increase the capital stock of said bank, one hundred thousand dollars, in addition to the sum allowed by their Act of incorporation: the said additional sum to be subject to the same rules, restrictions, and limitations, as are stated in the original Act, to which this is in addition: And the stockholders of said bank, for the time being, shall have a prior right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

Time of pay-
ment.

Proviso.

SECT. 2. *Be it further enacted*, That fifty thousand dollars of the above named additional sum shall be paid into the said bank, in ninety days after the passing of this Act, and the remaining sum of fifty thousand dollars, on or before the first Monday of October next: *Provided nevertheless*, that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has actually been paid into said bank, in gold or silver coin, shall be filed in the office of the secretary of this Commonwealth. [Feb. 20, 1818.]

Chap. 159.

An Act to incorporate the Hydraulic Machine Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Hull, William Payne, John Binney, Joseph Hall, junior, Edward Renouf, and Samuel Bridge, with such others as now are, or may be hereafter associated with them, their successors or assigns, be, and they hereby are constituted a corporation, by the name of the Hydraulic Machine Company, for the purpose of manufacturing Baker's Patent Elliptic Valve Boxes; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements

contained in an Act, entitled “An Act defining the general powers and duties of manufacturing corporations.” (1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 20, 1818.]

May hold real and personal estate.

An ACT to incorporate the First Universal Society in Attleborough.

Chap. 160.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Newell, John Titus, James Bott, George W. Robinson, William S. Robinson, Joseph A. Richards, Richard Robinson, James Holmes, Lemuel Fuller, Obed Robinson, Jabez Newell, Ebenezer Robinson, Manning Richards, Stephen Richardson, junior, Ira Richards, Avery Gilmore, Otis Robinson, James Robinson, Daniel Richardson, junior, Eliphalet Wilmarth, William George, James Draper, Milton Holmes, Jeremiah Ingraham, Elkanah Miller, Daniel Richardson, 4th, John Draper, junior, John Draper, Nathaniel Allen, Otis Ingraham, Levi Maxey, Charles Day, Ebenezer Bolkam, Thomas Cooper, Thomas Starks, Samuel Sanford, Samuel Newell, junior, Jabez Newell, 2d, Darius Briggs, Thomas Stanley, Obed Robinson, George Ellis, Paul Draper, Jeremiah Pierce, Jesse Stanley, Samuel Cushman, junior, Asa Allen, William H. Earl, Jeremiah Ingraham, junior, Milton Barrows, Samuel Draper, George Bacon, Dan Carpenter, James Jackson, junior, Stephen Briggs, and William W. Pike, with their polls and estates, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated and made a body politic and religious society, by the name of the First Universalist Society in Attleborough; and by that name, may sue and be sued; and shall be invested with all the powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only. And the said society shall be capable in law to purchase and hold estate, real and personal; *provided* the annual income thereof, shall not exceed, at any one time, the value of three thousand dollars.

Persons incorporated.

Powers and immunities.

SECT. 2. *Be it further enacted*, That the said society be, and they are hereby authorized and empowered to raise by assessment on the pews and seats which may be made and built in any house, that may be hereafter erected by them, all such sum or sums of money, for the settlement and maintenance of a minister or ministers, repairing said house, and other expenses of public worship, with such incidental charges, as they shall agree on, at any legal meeting called for that purpose; and the same may assess or cause to be assessed, upon such pews or seats, as the proprietors or members as aforesaid, at any such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' books; and the sums, so assessed, shall be paid by the proprietors of such pews or seats: And if any proprietor shall neglect

Tax on pews.

to pay such assessment, which shall have been legally made, for the space of one year, the treasurer of said society shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor, in said corporation, at public auction; first giving notice thereof, thirty days at least, previous to the sale, by posting up notifications at the door of said house; and upon such sale, to execute good and sufficient deed or deeds thereof; and after deducting said delinquent's assessment, with incidental charges, the treasurer shall pay the overplus, if any there be, to such delinquent proprietor.

By-laws.

SECT. 3. *Be it further enacted*, That said society may have power to order and establish such regulations, rules, and by-laws, for their government, and for the management of their concerns, as they may see fit; *provided* the same are not repugnant to the laws of this Commonwealth.

First meeting.

SECT. 4. *Be it further enacted*, That any Justice of the Peace in the county of Bristol be, and hereby is authorized to issue his warrant to any member of said society, to notify and warn all the members thereof, to meet and assemble at such time and place as he shall therein appoint; and when so met and assembled, to organize the society, by choosing a clerk, and all such other officers, as other similar societies may elect: and the annual meeting of said society, shall always be in the month of March. [*Feb. 20, 1818.*]

Chap. 162.

An ACT to prevent the destruction of Shad and Alewives in the South River, so called, in the town of Marshfield.

Committee of
superintend-
ance.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Marshfield, at their meeting for the choice of town officers, in March or April, annually, be, and they are hereby authorized and empowered to appoint three or more persons a committee to superintend the taking of shad and alewives, at such places and on such days, as said inhabitants at said meeting shall direct; which committee shall dispose of said fish, as said town shall order, and shall be allowed such compensation for all their said services, as said town shall think just and reasonable; and shall settle their accounts annually with the selectmen of said town, and pay the balance into their hands for the use of said town.

Sluice-ways to
be kept open.

SECT. 2. *Be it further enacted*, That the said committee, or the major part of them be, and they are hereby authorized and empowered to cause to be made and kept open, sufficient sluice ways, at proper times, for the passage of said fish up and down said river, through, round or over all dams for mills or other water works, which now are, or shall be hereafter made over said river in said town; and if any person or persons shall obstruct or impede the passage ways, allowed or authorized by said committee, or a major part of them, for the passage of said fish up and down said river, or shall, by any means whatsoever, hinder the said fish from passing up and down said river, otherwise than is directed by this Act, such person or persons,

so offending, shall forfeit and pay for every such offence, a sum not exceeding one hundred dollars, nor less than fifty dollars. Penalties.

SECT. 3. *Be it further enacted*, That if any person or persons, other than the said committee, or such person or persons as shall be by them employed or permitted, shall take any of the said fish in said river, or any stream that belongs to it, at any time, or by any means whatever, each person, so offending, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars, for every such offence.

SECT. 4. *Be it further enacted*, That all penalties incurred by any breach of the provisions of this Act. shall be sued for and recovered by the treasurer of said town of Marshfield, for the time being, in any court in the county of Plymouth, proper to try the same; and all sums of money so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against any part of said Act, and thereby incur any or either of the penalties of this Act, in all such cases, the parents, masters or guardians of such minors respectively, shall be answerable therefor; and in case of any prosecution of such minor or minors, for any of the aforesaid offences, the action shall be commenced against the parent, master, or guardian of such minor or minors respectively, and judgment shall be rendered against them, in such case, in the same manner as for his or their personal offence. Fines. Parents and guardians accountable for minors. *[Feb. 20, 1818.]*

AN ACT to incorporate the President, Directors and Company of the Agricultural Bank. Chap. 163.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Willis, Joseph Shearer, David Campbell, John B. Root, Thomas Gold, Theodore Hinsdale, junior, Lemuel Pomroy, Henry C. Brown, Samuel D. Colt, Josiah Bissell, Jonathan Allen, Timothy Childs, Henry H. Childs, and Phineas Allen, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Agricultural Bank; and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any courts of record, or in any other place whatever; and also to make, have, and use a common seal, and to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided* such by-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed. Persons incorporated. Powers and privileges. Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hun-

(Time enlarged
1818 ch. 30.)

Proviso.

May hold real
estate.

Proviso.

Rules binding.
(1811 ch. 84.)

Number of di-
rectors.

Legislative ex-
amination.

dred dollars each, which shall be paid in at three instalments ; the one half part of said capital stock to be paid in on the first day of June next, the one fourth part thereof, to be paid in on the first day of November next, and the remaining fourth part thereof, to be paid in on the first day of March, which will be in the year of our Lord one thousand eight hundred and nineteen, and as much sooner as the stockholders shall direct : *Provided* no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of said instalments. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of ten thousand dollars, and no more, at any one time ; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think adviseable : *Provided however*, that nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation : *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, reservations, restrictions, limitations, and provisions, which are provided in and by the third section of an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established : *Provided only*, that the bond required to be given by the cashier, shall be in the penalty of ten thousand dollars, and that the number of directors, to be annually chosen, shall be five, and three may constitute a quorum for transaction of business : *And provided also*, that the amount of bills at any one time issued by said bank, shall not exceed fifty per cent. beyond their capital stock actually paid in.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of Pittsfield.

SECT. 5. *Be it further enacted*, That any Committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults ; and if upon such examination it shall be found, and after a full hearing of the corporation thereon, be determined by the Legislature, that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation may thereupon be declared forfeited and void.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, (by advertising the same for three weeks successively in the Pittsfield Sun, printed at Pittsfield,) for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting of the affairs of the said corporation, as the said stockholders shall deem necessary; and for the choice of the first board of Directors, and such other officers as they shall see fit to choose. First meeting.

SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors of said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said corporation, and of the debts due the same, of the monies deposited therein, and of the notes in circulation, and of the gold and silver, and copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath, or affirmation before some person competent to administer the same. Semi-annual statements.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. Original amount of altered notes to be paid.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of June next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days, after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall, at the time of the said dividend, have been actually paid in: *Provided however*, that the same tax, payable in manner aforesaid, shall be required by the Legislature, of all banks that shall be hereafter incorporated within this Commonwealth: *And provided further*, that nothing herein shall be construed to impair the right of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do. State tax.

SECT. 10. *Be it further enacted*, That one tenth part of the funds of said bank, shall always be appropriated to loans, to be made to citizens of this Commonwealth, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest; which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by mortgage of real estate, to the satisfaction of the Directors of said bank, for a term not less than one year; and on condition of paying the interest annually, on such loans, and subject to such forfeitures and rights of redemption, as is by law prescribed in other cases. Proviso.

Appropriation of funds.

State Loans.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth; with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never, at any one time, stand indebted to the said corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in.

State may own stock.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe, on account of the Commonwealth, a sum, not exceeding thirty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations, and provisions, as shall be by the Legislature made and established, as to the management thereof. [Feb. 20, 1818.] Add. act—1818 ch. 30.

Chap. 163.

An ACT to establish The Worcester Agricultural Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Waldo, Oliver Crosby, Thomas Howard Blood, James Humphries, Stephen P. Gardner, Bezaleel Lawrence, John Thurston, Samuel Read, Simeon Draper, Seth Field, David Rice, Abraham Lincoln, and Samuel Sawyer, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation, by the name of the Worcester Agricultural Society, for the promotion of agriculture, the mechanic arts, and manufactures; and for this purpose shall have the same powers and privileges, and shall also be subject to the like duties and restrictions, as other incorporated agricultural societies within this Commonwealth: And the said corporation are hereby declared and made capable in law to purchase and hold in fee simple, or any estate of a different tenure, whether by purchase, devise or otherwise, any lands, tenements, or other estate, real or personal; *provided*, that the annual income of the real estate, shall not exceed the value of five thousand dollars, and the personal estate shall not exceed the value of three thousand dollars; and the said corporation may also sell, alien or dispose of the same estate, real and personal, but not to use the same in trade or commerce.

Powers and privileges.

Proviso.

May sue and be sued.

SECT. 2. *Be it further enacted*, That the said corporation shall have power to keep and use a common seal, subject to alteration at their pleasure; and the said corporation is hereby made capable in law to sue and be sued, to plead and be impleaded, and to act and do any matters and things in Courts of law, whether of record or otherwise, and in all places whatsoever, and in all actions, real, personal or mixed, and generally all such other matters as may appertain to them as a corporation: And the said corporation may also make, declare and

put in execution, all such laws and regulations as may be necessary to the well being and government of the said society; *provided* the same shall not be contrary to the constitution and laws of this Commonwealth. And for the well governing the said corporation, they shall have power to elect and appoint such officers as they may think needful and proper: and all officers, which may be legally appointed, in pursuance of the laws and regulations of the said corporation, for the purposes aforesaid, are hereby empowered to exercise such power, and discharge all such duties as shall be provided for in the said laws and regulations. And the said corporation may, from time to time, admit persons to become members thereof, as shall be provided for in their regulations.

Proviso.

Choice of officers.

SECT. 3. *Be it further enacted*, That upon application to any Justice of the Peace for the county of Worcester, he is hereby empowered to issue a warrant, directed to one of the persons herein before named, requiring him to notify and warn the first meeting of the said society, for the choice of the officers of said corporation; and being duly organized, they may, at the same or any future meeting, agree upon and adopt the mode and means of notifying and holding future meetings; and a fair record of all their doings shall be recorded in a book or books, for that purpose to be provided and kept. [Feb. 23, 1818.]

First meeting.

An ACT to secure the town of Boston from damage by Fire.

Chap. 171.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, no house or building of any kind whatsoever, which shall be more than ten feet high, from the ground to the highest point in the roof thereof, shall be erected or built within the town of Boston, unless all the external sides and ends thereof shall be built or composed of brick or stone; except so much as may be necessary for doors and windows; and unless the roofs of all such houses or buildings shall be entirely covered with slate, tile, or some incombustible composition, and the gutters secured effectually against fire; and no brick or stone wall shall be deemed sufficient, within the meaning of this act, unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story; and all additions which shall be made to houses or buildings already erected, and all houses or buildings which shall be erected on old foundations, in part or in whole, shall be deemed and considered within the restrictions and regulations of this act: *Provided nevertheless*, that upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Firewards of said town, or the major part of them, in writing, wooden houses or buildings, of not more than two stories high, may be erected, which shall be covered on all sides with slate, tile, or lime mortar, and filled in with bricks laid in mortar, and the roofs and gutters shall be secured as before directed.

Houses of wood not to exceed ten feet in height.

(See 1821 ch. 26. 31.
1822 ch. 16.)

Proviso.

Partitions.

SECT. 2. *Be it further enacted*, That in all cases where one dwelling house, ware house, store, mill, stable or other building, above ten feet high, is separated from another dwelling house, or ware house, or store, or mill, or stable, or other building, above ten feet high, by a partition, such partition shall be built of stone or brick, and shall be twelve inches thick in the lower story, and eight inches thick above the lower story, and shall be built up as far as may be necessary in order to cover or cap the same with flat stones above the roof; and such wall shall be entirely covered or capped with flat stones, at least two inches in thickness above the roof; and every person offending against this section, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than fifty dollars.

Penalties.

Removal and occupation of houses.

SECT. 3. *Be it further enacted*, That no wooden building more than ten feet high shall be removed from any part of the town of Boston, to any other place within the same town, without the permission of the Firewards of said town, or the major part of them, under such restrictions and provisions as they shall prescribe; nor shall any wooden building heretofore erected within the said town, and not now used as a dwelling house, be hereafter occupied as a dwelling house, or for any other purpose than that to which it is now applied, without the permission of the Firewards, as aforesaid.

Repairs by permission of Firewards.

SECT. 4. *Be it further enacted*, That every person who shall erect or add to, or cause to be erected or added to, any building in said town of Boston, contrary to the true intent and meaning of this act, and every person owning such building so unlawfully erected, and any person who shall remove or alter, or cause to be removed or altered, any building as aforesaid, and every person who shall hereafter use and occupy as and for a dwelling house, any wooden building, heretofore erected within the said town, and not now used or intended for a dwelling house, or shall convert the same to any other purpose than that to which it is now applied, without permission first had and obtained from the Firewards of said town, or the major part of them; every person, in either wise so offending, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred dollars, according to the nature and aggravation of the offence.

Fines and penalties.

SECT. 5. *Be it further enacted*, That in addition to the fines above mentioned, there shall be laid and assessed upon every house or other building which shall be erected contrary to the true intent and meaning of this act, the sum of fifty dollars annually, and every year, until such building or addition thereto shall be effectually secured against fire, and made to conform to the provisions of this act. And it shall be the duty of the Firewards of the said town of Boston, to return to the Assessors of said town annually, a list of all such houses or other buildings erected contrary to the provisions of this act, together with attested copies of the record of the conviction of any person or persons for such offence; and thereupon it shall be the duty of the said Assessors, to assess upon the owner or owners

of the said building or buildings, the sum of fifty dollars for each and every successive year thereafter, until said house or building shall be made conformable to the provisions of this act, which sum shall be payable by the person or persons by whom said house or building shall be owned, and shall be collected in the same manner as other taxes are collected: *Provided nevertheless*, that no such house or building shall be subjected to such annual tax, until an attested copy of said conviction shall have been duly recorded in the office of the Register of Deeds for the county of Suffolk, whose duty it shall be to receive and record the same.

SECT. 6. *Be it further enacted*, That if any person or persons shall, within the said town of Boston, roast or cause to be roasted, any cocoa, for the purpose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licensed for that purpose, by the major part of the Firewards of the town aforesaid, he, she or they, shall forfeit and pay, for every such offence, a sum not exceeding five hundred dollars, nor less than two hundred dollars.

SECT. 7. *Be it further enacted*, That all houses or buildings within the said town of Boston, which have been or which shall hereafter be erected in the manner described in this act, and which are now, or which may hereafter be covered with slate, tile, or other incombustible composition, shall continue to be so covered with slate, tile, or other incombustible composition, and shall be kept effectually secured against fire, in manner as is herein before described. And if any person or persons, being owner or proprietor of any house or other building, or having authority, or whose duty it shall be to repair the same, shall hereafter suffer his, her or their house or other building to remain in whole or in part uncovered with slate, tile, or other incombustible composition, for the space of thirty days after he, she or they shall have been notified to repair or cover the same, by the Firewards of the town of Boston, he, she or they shall forfeit and pay for such offence a sum, not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be by him, her or them suffered to remain so uncovered, in the manner required by this act.

SECT. 8. *Be it further enacted*, That whenever any house or other building within the said town of Boston, hereafter erected, shall be found to have been erected contrary to the provisions of this act, the owner or owners of such house or building, or other person lawfully holden to keep the same in repair, shall be held and required to alter and make such house or building to conform to the provisions of this act. And any person or persons as aforesaid, who shall suffer his, her or their house or other building to be and remain not conformable to the provisions of this act, for the space of thirty days, after he, she or they shall have been notified by the Firewards of the said town thereof, shall forfeit and pay for such offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards.

that such house or building shall be by him, her or them suffered to remain out of repair, and exposed to fire as aforesaid, and not conformable to the provisions of this act.

Tar kettles to be secured.

SECT. 9. *Be it further enacted,* That every tar kettle, which shall be made use of in said town, for the purpose of boiling tar, for the use of any rope walk, and every kettle, boiler or copper, for the use of any caulker, graver, ship carpenter, tallow chandler, soap boiler, painter, or other like artificer, shall be so fixed as to prevent all communication whatsoever between the contents of such kettle, boiler or copper, and the fire, and that the fire place under every such tar or other kettle, boiler or copper, shall be constructed with an arch built over the same and secured by an iron door, in such manner as to enclose the fire therein; and every person who shall erect any tar kettle or other kettle, boiler or copper, or use the same for any or either of the purposes aforesaid, contrary to the provisions of this act, shall for every such offence, forfeit and pay a sum not exceeding three hundred dollars, nor less than fifty dollars, according to the degree and aggravation of the same.

Penalty for carrying fire in the streets.

SECT. 10. *Be it further enacted,* That every person who shall carry any fire through the streets, lanes, or on any wharves in said town, except in some covered vessel, or who shall kindle a fire in any of the places aforesaid, without the permission therefor in writing, of one or more of the Firewards of said town, or shall smoke, or have in his or her possession, any lighted pipe or cigar, in any street, lane or passage way, or on any wharf in said town, shall forfeit and pay, for each and every offence, the sum of two dollars, to be recovered of the person so offending, or of his parent, guardian, master or mistress.

Penalty for exposing fire in barns, &c.

SECT. 11. *Be it further enacted,* That if any person shall have in his or her possession, in any rope walk, or in any barn or stable, within said town, any fire, lighted pipe or cigar, lighted candle or lamp, except such candle or lamp is kept in a secure lantern, the person so offending, shall forfeit and pay for each offence, a sum not exceeding one hundred dollars, nor less than twenty dollars.

Recovery of Fines.

SECT. 12. *Be it further enacted,* That all and any of the penalties which are given in and by this act, or in and by a certain act, made and passed the fifteenth day of June, in the year of our Lord one thousand eight hundred and sixteen, entitled, "An Act regulating the storage, safe keeping, and transportation of gunpowder in the town of Boston," may be recovered by indictment, information, or complaint, in any Court proper to try the same; and in such indictment, information, or complaint, it shall not be necessary to set forth any more of said acts, than so much thereof as relates to and is necessary, truly and substantially to describe the offence alleged to have been committed. And it shall be the duty of each and every Fireward in the town of Boston, and they and each of them are hereby required to inquire after all offences which shall come to their knowledge, and which shall be committed against

the true intent and meaning of this act, and shall cause the same to be duly prosecuted.

SECT. 13. *Be it further enacted*, That it shall be lawful for any one or more of the Firewards of said town, to require and compel the assistance of all or any of the inhabitants of said town, and any other persons, who shall be present as spectators of any fire ; and in any suit or prosecution therefor, it shall be lawful for them to plead the general issue, and give this act in evidence ; and if any person shall disobey the lawful and reasonable command of any Fireward or Firewards, to aid in extinguishing such fire, or in rescuing property from destruction thereby, such person, so offending, shall be liable to a fine not exceeding twenty dollars, to be recovered in manner aforesaid.

Duties and authorities of Fire Wards.

SECT. 14. *Be it further enacted*, That all acts heretofore passed to secure the town of Boston from damage by fire, be, and the same are hereby repealed, excepting that such parts thereof as may be necessary to recover all fines and penalties, incurred upon the acts aforesaid, shall still remain in full force for that purpose.

Repeal of former acts.

SECT. 15. *Be it further enacted*, That all the fines, penalties and assessments, which shall be recovered by force of this act, shall accrue and enure, one half to the use of the poor of the town of Boston, to be paid to the Overseers of the Poor thereof, and the other half to the Firewards of said town : *Provided however*, that whenever in the trial of any prosecution under this act, any one or more of the said Firewards shall be sworn and examined as a witness, or as witnesses therein, record thereof shall be made in Court, and the whole fine or penalty, in such case, shall enure to the use of the poor of the town of Boston, and be paid to the Overseers of the Poor thereof as aforesaid. [Feb. 23, 1818.] Partially altered by 1821 ch. 26. 31 : 1822 ch. 16.

Distribution of Fines.

An Act to incorporate the Eagle Manufacturing Company, in the town of Wrentham.

Chap. 178.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Adams, Josiah J. Fiske, Henry Fiske, Adams Foster, Nathaniel Thayer, and Davis Thayer, together with such others as may hereafter associate with them, their successors or assigns, be, and they are made a corporation, by the name of the Eagle Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Wrentham, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, " An Act defining the general powers and duties of Manufacturing Corporations ;" and also an act in addition to said act, passed at the present session of this General Court.

Persons incorporated.

Powers and privileges.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said Eagle Company, in their corporate capacity, may lawfully hold and pos-

May hold real or personal estate.

sess such real and personal estate as may be necessary and convenient for carrying on the said manufacture ; *provided*, the value of such real estate shall not exceed fifty thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars. [Feb. 24, 1818.]

Chap. 180.

An ACT to incorporate The Massachusetts Hospital Life Insurance Company.

Persons in-
corporated.

May sue and
be sued.

Proviso.

By-laws.

Amount of
Capital.

Instalments.

Proviso.

Debts of Cor-
poration.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Francis, David Hinckley, Thomas Morton Jones, Samuel Parkman, James Perkins, Thomas H. Perkins, William Prescott, John Phillips, Josiah Quincy, and their associates, are hereby created a body politic and corporate, by the name and style of the Massachusetts Hospital Life Insurance Company ; and shall, by the same name and style, be capable of suing and being sued, and maintaining and defending any action to final judgment and execution ; and shall be, in law, capable of purchasing, holding, improving and conveying any estate, real or personal, for the use of the said corporation ; *provided* they shall not hold real estate beyond the value of one hundred thousand dollars, excepting such as may be taken on execution for debt. And the said corporation shall have power to ordain and establish, and put in execution, such by-laws, ordinances and regulations as shall be necessary for the government thereof.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each ; and the same shall be paid for or satisfied in manner following ; that is to say—that each and every subscriber shall, within ten days after public notice given by the President and Directors chosen by the stockholders, in any two of the papers printed in the town of Boston, pay or cause to be paid, to the said President and Directors, for the use of the said corporation, the sum of twenty dollars, in part of each share subscribed for, either in specie or in stock of incorporated companies or government securities, of the descriptions hereinafter provided, at the option of the President and Directors aforesaid ; and the residue of the money, payable on each and every share, shall be paid to the President and Directors in such sum or sums, and at such time or times, as they, by public notice, shall, in their discretion, direct and appoint. And if any subscriber shall refuse or neglect to make the payments aforesaid, he or she shall cease to be deemed a subscriber or member of the said corporation, and his or her subscription shall be forfeited ; and the shares so forfeited, may be sold by the corporation, in such manner as they may think proper : *Provided however*, that in case the amount of the said capital stock, actually paid in, shall at any time prove insufficient for the payment of the just debts due from the said corporation, each original stockholder shall be liable for the debts due by the said corporation, to an amount not exceeding that part of his original subscription, which shall, at such time, remain due and unpaid. And any creditor, who

may have obtained an execution against said corporation, may have his full remedy against all and every the said stockholders, to the amount by them respectively due as aforesaid, in the same manner as if the same had been issued out against them personally.

SECT. 3. *Be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be thirteen Directors, a majority of whom, shall be citizens of this Commonwealth, and stockholders of the said corporation, elected by the stockholders, at their general meeting, to be held on the third Monday of January annually, for that purpose. And the Directors, at their first meeting after such election, shall choose one of their own number as President : The votes of the stockholders for Directors, being taken by ballot, each stockholder having one vote for each share he may hold ; but no stockholder shall vote at any election for Directors, unless the share or shares, upon which he or she may claim to vote, shall have been standing in his or her name, in the books of the said corporation, for at least three months previous to such election. In case of absence from the general meeting, any stockholder may be entitled to vote by proxy.

Number of Directors.

Annual meetings.

SECT. 4. *Be it further enacted*, That the Directors of the said corporation, for the time being, five of whom shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons, as shall be necessary for the conducting and executing the business of the said corporation ; and to allow the said persons so appointed, such compensation for their services respectively, as they shall deem reasonable ; and generally to exercise all other powers and authority for well governing and ordering the affairs and funds of the said corporation.

Choice of officers.

SECT. 5. *Be it further enacted*, That it may be lawful for the said corporation to invest the capital stock thereof, and all monies received for premiums of insurance, and in any other way, in the funded debt of the United States, or of this Commonwealth, or in the stock of the bank of the United States, or of any of the banks incorporated within this Commonwealth, or in the purchase of ground rents, or mortgages on real estate ; and also to sell and dispose of, and transfer all or any of the said stock or securities, and in like manner invest the proceeds thereof, at their discretion, as the safety or welfare of the said corporation, as the President and Directors thereof may deem expedient : *Provided*, that no part of the capital stock aforesaid, shall be divided without the assent of the Visitors and Trustees of the Massachusetts General Hospital, as well as of the Legislature of this Commonwealth.

Investment of stock.

Proviso.

SECT. 6. *Be it further enacted*, That the President and Directors shall have full power, on behalf of the said corporation, to make insurances on lives, by sea and on land, and to contract for reversionary payments, and generally to make all kinds of contracts, in which the casualties of life and interest of money are principally involved ; and to make, execute and perfect such and so many contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case shall or may require.

Insurance on lives.

Annual state-
ment of ac-
counts.

SECT. 7. *Be it further enacted*, That the President and Directors shall, on the first Monday of January in each year, direct the books of the said corporation to be balanced and settled, up to the thirty-first day of the preceding December, and submit a copy of its balances to a Committee appointed by the Trustees of the Massachusetts General Hospital, who shall have power to verify the said balances with the books of the said corporation, and generally to inspect them; and on the third Monday of January of every year, the President and Directors of this corporation shall pay over to the said Trustees, for the use of the hospital, one third of the net profits which shall have arisen from the insurances on lives, made during the preceding year; and after this deduction, shall declare and divide so much of the remaining profits as to them shall appear safe and adviseable; and the dividend, so declared, shall be paid to the respective stockholders, agreeably to such rules as the President and Directors shall make for that purpose: *Provided* that in case the Trustees of the hospital fail to signify to this corporation its appointment of a Committee, that then the President of this corporation shall invite the President of the hospital to inspect the books, and submit to him the list of balances, and pay him, for the use of the hospital, the aforesaid third of the net profits, which shall have arisen from the insurance on lives.

Dividends.

Exclusive pri-
vileges.

SECT. 8. *Be it further enacted*, That so long as this corporation shall well and truly pay to the General Hospital the aforesaid share of profit, it shall not be lawful for any persons or corporation within the Commonwealth, to make insurance on lives upon land, unless empowered so to do, by any future legislature of this Commonwealth. And whenever any persons or corporation shall hereafter be thus empowered, the obligation of this corporation, to pay the Trustees of the General Hospital, for the use of said hospital, the third part of the net profits, which may thereafter arise on insurance on lives, shall cease; unless the same obligation shall be imposed on such persons or corporation thus hereafter empowered.

Shares
transferable.

SECT. 9. *Be it further enacted*, That the shares of the said corporation shall be assignable and transferable according to such rules and regulations as the President and Directors shall, for that purpose, ordain and establish, and not otherwise.

SECT. 10. *Be it further enacted*, That this corporation shall not have power to pay over any sums to the heirs of those who shall die by the hand of justice, or by suicide, or in consequence of a duel.

Legislature
may examine
records.

SECT. 11. *Be it further enacted*, That it shall be the duty of the directors of the corporation hereby created, once in each year, to make a full, fair and explicit statement of all their real estate, funds and investments of every kind whatever, which shall be subscribed and verified by the oath of a majority of the directors; and on or before the tenth day of January, annually, to deliver the same to the secretary of the Commonwealth, who shall cause the same to be laid before the gover-

nor and council. And the general court, or either branch of the legislature, shall have power, by their committee, to examine the records and doings of the said corporation; and for this purpose, shall have access to all their buildings, offices and places of business, and to all places of deposit of their files, records and proceedings.

SECT. 12. *Be it further enacted*, That any two or more persons, named in this Act of incorporation, may call the first meeting of the stockholders, at such time and place as they may think proper, by advertising the same in any two public newspapers, at least ten days previous to the time of meeting; at which meeting, the stockholders may proceed to elect directors, and to transact such other business as may come before them. [Feb. 24, 1818.]

First meeting.

An ACT to alter and change the Names of certain persons therein mentioned.

Chap. 187.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, Calvin Bailey, son of Calvin Bailey, of Hanover, in the county of Plymouth, shall be allowed to take the name of Bernard Calvin Bailey; Edward Jenkins, of Scituate, in the same county, shall be allowed to take the name of Edward Henry Jenkins; Lory Jones, of Greenwich, in the county of Hampshire, shall be allowed to take the name of Lorenzo Baldwin Jones; John Deblois, son of Stephen Deblois, of Boston, in the county of Suffolk, shall be allowed to take the name of John A. Deblois; Thomas Smalley Delano, of the same Boston, shall be allowed to take the name of Nathaniel Lewis Nickerson; Thomas Carter, of Newburyport, in the county of Essex, shall be allowed to take the name of Thomas Duncan Carter; George Carter, of the same place, shall be allowed to take the name of George Duncan Carter; Ithamar Beard, junior, of Littleton, in the county of Middlesex, shall be allowed to take the name of Ithamar Ames Beard; Pliny Cutler, the 2d, of said Boston, shall be allowed to take the name of Henry Pliny Cutler; John Ward, of said Boston, merchant, shall be allowed to take the name of John George Ward; Henry Gray, of said Boston, shall be allowed to take the name of Henry D. Gray; Emery Brigham, of Southborough, in the county of Worcester, shall be allowed to take the name of Emery Cushing Brigham; Thomas Williams, of Boston, aforesaid, shall be allowed to take the name of Thomas Kendall Williams; Henry Hale Gay, son of Mary Gay, of Dedham, in the county of Norfolk, shall be allowed to take the name of George Henry Gay; Larkin Newton, of said Southborough, shall be allowed to take the name of Henry Martial Pinkney; Samuel Putnam, junior, of Salem, in the county of Essex, shall be allowed to take the name of Samuel R. Putnam; Washington Thayer, of said Boston, shall be allowed to take the name of George Washington Thayer; John Parker McQuillin, of Beverly, in the county of Essex, shall be allowed to take the name of John Hills Parker; Thomas R. Amory, of Boston, aforesaid, shall be allowed to take the name of Thomas

C. Amory ; Job Williams, son of Gideon Williams, of Taunton, in the county of Bristol, shall be allowed to take the name of Francis Job Williams ; Adolphus Frederick Packard, of Springfield, in the county of Hampden, shall be allowed to take the name of Frederick Adolphus Packard ; Jacob Thompson Wild, of Boston, aforesaid, shall be allowed to take the name of James Thompson Wild ; John Low, junior, of said Boston, shall be allowed to take the name of John Vaughan Low ; Charles Adams, of said Boston, shall be allowed to take the name of Charles Frederick Adams ; Josiah Trott, of Woolwich, shall be allowed to take the name of Josiah Winship Trott ; Nathan Foster, of Boston, aforesaid, silk dyer, shall be allowed to take the name of Nathan Orris Foster ; Daniel Rogers, junior, of Gloucester, in the county of Essex, shall be allowed to take the name of Daniel W. Rogers ; Harriet Walker, of Boston, aforesaid, shall be allowed to take the name of Harriet Walker Boardman ; Francis Shaw Blake, son of Sarah Blake, of Boston, shall be allowed to take the name of Edward Blake ; Lucy Ann Bradlee, daughter of Josiah Bradlee, of said Boston, shall be allowed to take the name of Lucy Hall Bradlee ; Edward Augustus Holyoke Turner, shall be allowed to take the name of Edward Augustus Holyoke ; and the said several persons shall hereafter be called and known by the names, which, by this Act, they are severally and respectively allowed to take as aforesaid ; and the same shall be considered as their only proper and legal names. [Feb. 24, 1818.]

Chap. 4.

An ACT for the preservation of Bird Island, in Boston Harbour.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, no earth or stones shall be taken from the island, called Bird Island, in Boston harbour, in the county of Suffolk, without license first had and obtained of the selectmen of the said town of Boston, for that purpose, in writing, by the person taking the same, specifying the quantity allowed to be removed, and the object of removing it. And every person, who, without permission obtained as aforesaid, shall remove any earth or stones from the said Island, in any boat, or in any ship or vessel whatsoever, shall forfeit and pay for each offence, the sum of twenty dollars, to the use of the said town, to be recovered by the selectmen of the said town, by an action of debt, in any court proper to try the same. [June 12, 1818.]

Chap. 5.

An ACT to change the Names of the several persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, George Mayo Edgar, of Boston, shall be allowed to take the name of Mayo Graves Edgar ; that John Harris, son of the late Samuel Harris, of Boston, shall be allowed to take the name of John Welch Harris ; that Daniel Johnson, of Boston, shall be allowed to take the name of Daniel Bridges Johnson ; that John Wilkins, of Bos-

ton, trader, shall be allowed to take the name of John Fox Wilkins; that Robert Breck Williams, son of Thomas Williams, of Boston, shall be allowed to take the name of Robert Breck Garven Williams; that Daniel Chase Hazeltine, resident in Boston, (late of New-Hampshire,) shall be allowed to take the name of Daniel Hazeltine Chase, all of the county of Suffolk; that Benjamin Browne, the third, of Salem, apothecary, shall be allowed to take the name of Benjamin F. Browne; that Josiah Newhall, of Lynn, shall be allowed to take the name of Josiah Selkirk Newhall; that Jonathan Phillips, of said Lynn, shall be allowed to take the name of Benjamin Jonathan Phillips, all of the county of Essex; that the name of Clementina Harrington, of Southbridge be, and hereby is confirmed to her the said Clementina; that Henry Marshall Pinkney, of Southborough, shall be allowed to take the name of Larkin Newton; that Lucius Paige, son of Timothy Paige, Esquire, of Hardwick, shall be allowed to take the name of Lewis Robinson Paige, all of the county of Worcester; that Elijah Hoar, of Montague, shall be allowed to take the name of Elijah Hanson, and that his several minor children shall be allowed to take the same name, viz.: Lucretia Hanson, Erastus Gunn Hanson, Morrilla Hanson, Asahel Gunn Hanson, and Elijah Shaw Hanson; that William Hoar, of Deerfield, shall be allowed to take the name of William Hanson, and that his several minor children shall be allowed to take the same name, viz.: Lucy Hanson, Ariel Hanson, Submit Hanson, Flavilla Hanson, John Milton Hanson, Caroline Hanson, Melinda Hanson, Persis Hanson, and Edwin Hanson; that John Hoar, of Greenfield, shall be allowed to take the name of John Hoar Wheeler; that John Cheney, of Orange, shall be allowed to take the name of John Cheney Hill, all of the county of Franklin; that Eliza Stebbins Snow, of Northampton, in the county of Hampshire, shall be allowed to take the name of Eliza Snow Stebbins; that Briggs Sampson, of Duxbury, in the county of Plymouth, shall be allowed to take the name of Henry Briggs Sampson; that Benjamin Sisson, of Westport, in the county of Bristol, shall be allowed to take the name of Benjamin Baylies Sisson; that Marsena Graton, of Sandwich, in the county of Barnstable, shall be allowed to take the name of Alwin M. Graton; that Randolph Codman, of Limerick, in the county of York, shall be allowed to take the name of Randolph Augustus Lawrence Codman. And the said several persons shall hereafter be called and known by the names, which, by this Act they are severally and respectively allowed to take as aforesaid, and the same shall be considered as their only proper and legal name. [June 12, 1818.]

An ACT authorizing the town of Charlestown to establish a Board of Health.

Chap. 12.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Charlestown, qualified to vote for town officers, may, in the month of March, annually, in town meeting assembled, elect, by ballot, seven able and dis-

First meeting.

creet persons, being freeholders and residents in said town, to be a Board of Health, whose duty it shall be, when notified by the town clerk, of their election as aforesaid, to meet within six days after such notice, and organize themselves by electing a president and secretary. The secretary thus chosen, to be sworn to the faithful discharge of the duties of said office; which oath shall be entered and subscribed by such secretary, on the records of said board, and attested by the person administering the same; and a certificate from the records of said board, shall be received and admitted as evidence in all cases relating to the proceedings of said board. On the death or resignation of any member of the said Board of Health, such vacancy shall be filled by election, by ballot, at the next town meeting which may be holden after such vacancy exists; and a majority of the board shall be competent to transact any business which the whole board could transact.

Organization of board.

General powers.

SECT. 2. *Be it further enacted*, That the said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth, that may be injurious to the inhabitants of the town of Charlestown, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof; and the same to destroy, remove, or prevent, as the case may require; and all the expenses attending the same, to be paid by the person or persons, who caused such nuisance to exist, if known; and if not known, such expense to be paid by the town: And in all cases, where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of this board, and ordered to destroy or remove the same, shall forthwith remove or destroy such filth or nuisance; and in case said owner or occupier shall refuse or neglect to remove such filth, nuisance, or cause of sickness, from his, her, or their property, within the time specified by said board, he, she, or they, so offending, shall forfeit and pay a fine, of not less than one dollar, nor more than one hundred dollars, to be sued for and recovered by said Board of Health, in manner hereafter directed. And any two members of this board may cause the same nuisance to be removed or destroyed, as the case may require; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owner or occupier, on whose premises, or in whose possession such cause of sickness, nuisance, or source of filth may be found. And the said board may have power to appoint scavengers when necessary, to carry into effect the requirements of this Act, and the same to remove, and substitute others at the pleasure of the board.

Seizures.

SECT. 3. *Be it further enacted*, That the said Board of Health shall have power to seize, take, and destroy, or to remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid, or tainted meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the town of Charlestown,) shall be injurious to the

health of those who might use them ; and the cost of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholesome, putrid or tainted article shall or may be found : And whenever said board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any building or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the town of Charlestown, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said board have reason to believe is contained in such building or vessel ; any member of said board, by order of said board, may apply to any Justice of the Peace, within and for the county of Middlesex, and on oath complain and state, on behalf of said board, the facts, as far as said board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid ; and such justice shall thereupon issue his warrant directed to the sheriff of the county of Middlesex, or either of his deputies, or any constable of the town of Charlestown, therein requiring them, or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or any two members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, complained of as existing as aforesaid, and there if found, the same to destroy, remove or prevent, under the directions and agreeably to the order of said Board of Health, or such members of the same as may be present for such purpose : *Provided however*, that no sheriff, deputy sheriff, or constable, shall execute any civil process, either by arresting the body, or attaching the goods or chattels of any person under colour of any entry made for the purpose aforesaid, unless such service could by law be made without such entry ; and all services, so made under cover of such entry, shall be utterly void ; and the officer making such service shall be considered a trespasser to all intents *ab initio* ; and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the costs arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found.

May enter houses.

Provido.

Fines.

Rules, &c.

SECT. 4. *Be it further enacted*, That the said Board of Health shall have power to make such rules, orders and regulations from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Charlestown, which they may think necessary ; which rules, orders and regulations, after having been posted up in three or more public places within the town, shall continue in force and be obeyed by all persons until altered or repealed by said board, or by the town ; and any person or persons who shall disobey or violate any such rules, orders or regulations so as aforesaid made, shall severally forfeit and pay for such offence a sum not less than one dollar, nor more

than fifty dollars, according to the nature and aggravation of such offence.

SECT. 5. *Be it further enacted*, That the powers and duties which are given to, or required of the selectmen of the town of Charlestown, by a law of this Commonwealth, passed on the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety seven, entitled "An act to prevent the spreading of contagious sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to, and made the duty of the Board of Health of the town of Charlestown, from and after the election of said board, any thing in the said laws to the contrary notwithstanding. And for all expenses, which may arise in the execution of their duty, the said board of Health shall be authorized to draw upon the town treasurer of the town of Charlestown; and the accounts of said board, including all receipts and expenditures of money, shall be examined annually, and reported to the town by a committee chosen for that purpose; and the same shall be paid by the town treasurer of the said town of Charlestown.

SECT. 6. *Be it further enacted*, That all fines, forfeitures and sums to be paid, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of the board of health of the town of Charlestown, in the same manner within the county of Middlesex, as is pointed out by the twelfth section of an act passed on the twentieth day of June, one thousand eight hundred and sixteen, entitled "An act to empower the town of Boston to choose a board of Health, and to prescribe their power and duty for the recovery of all fines and forfeitures arising under said act in the county of Suffolk:" and all monies, arising by fines, forfeitures or sums to be paid under any of the provisions of this act, shall enure to the use of the inhabitants of the town of Charlestown, and shall be accounted for by said board to the treasurer of said town. [June 12, 1818.]

Chap. 13.

An ACT to regulate the Fishery in First Herring Brook, in the town of Scituate.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the selectmen of the town of Scituate shall be Fish Wardens in said town, and shall have authority to open necessary and convenient sluice ways through any dam erected on the First Herring Brook, so called, in said Scituate, and shall annually form and publish such regulations respecting the preservation, and the time and manner of taking alewives in said First Herring Brook, with suitable fines and penalties annexed to the breach of said regulations as they may judge proper; said fines and penalties to be recovered by action or complaint in any Court having competent jurisdiction: *Provided*, said regulations are not inconsistent with the constitution and laws of this Commonwealth: *And provided also*, that the said town of Scituate, at any legal meeting for that purpose, shall have power to dispose of the right of fishing in said First Her-

1797 ch. 16.
1799 ch. 59.
Transfer of
powers.

Annual state-
ment of ac-
counts.

Fines.

1816 ch. 44.

Wardens,
their authori-
ty.

Proviso.

ring Brook, according to the regulations aforesaid, to such persons, and upon such terms, as they may determine to be proper; and all fines and penalties, which may be recovered for breaches of this act, shall enure one half to the complainant, or person who may sue for and recover the same, and the other half to the poor of said town of Scituate. And the said regulations, which may be so formed and adopted by the selectmen, shall be recorded in the town records; and it shall be deemed sufficient notice to all persons of the publication of said regulations, by posting them up in three several places in the said town, as the discretion of the selectmen may direct. [June 12, 1818.]

Appropriation
of Fines.

An ACT to establish the First Baptist Society in Colrairie.

Chap. 14.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jesse Lyons, George Winslow, David Smith, Calvin Smith the second, Ebenezer Taylor, Eliphalet Adams, Thomas Fox, Ephraim Manning, John Manning, Ira Call, John Smith, Jonathan Johnson, Jonathan M. Smith, Lemuel Pierce, Aaron Carey, Robert Merryfield, Nathaniel Smith, Hezekiah Smith, George Walker, junior, Jacob Gragg, Reuben Hillman, Hugh McLellan, Micajah Caril, Ephraim Wilcox, Cirenus Wilcox, Edmund Wood, Jonathan Totman, Stoddard Totman, Caleb Totman, Lathrop Perkins, Willard Thomas, junior, Aaron Coy, Joshua Vincent, Levy Coy, Orien Vincent, Moses C. Howard, Aaron Coy, junior, Edward Adams, John Burrington the second, Lemuel Eddy, Amasa Winslow, Abraham Tisdale, Reuben Donelson, Daniel Donelson, Ignatius Pickins, Robert Merryfield, junior, Willard Thomas, Sebra Thomas, Simeon Blandier, George Eels, John Call, Ira Donelson, Jesse Pickins, Daniel B. Sprague, Reuben Coy, Erastus Coy, John Smith the second, Samuel Brown, James McClallen, and Daniel Wilcox, with their polls and estates, together with such other persons of the baptist denomination, as may hereafter associate with them for religious worship, be, and they hereby are incorporated into a religious society, by the name of the First Baptist Society in Colrairie; with all the powers and privileges, and subject to all the duties and requirements of other religious societies in this Commonwealth.

Persons incor-
porated.

SECT. 2. *Be it further enacted,* That any inhabitant living in Colrairie, or either of the adjacent towns, who may hereafter desire to join in religious fellowship with said First Baptist Society, shall have a right so to do, by leaving with the clerk of said society, fifteen days before the annual meeting thereof in March or April, a certificate in writing thereof; and shall also deliver a copy of the same to the clerk of the town or society, with which such person has been before connected, at least fifteen days before the annual meeting thereof in March or April; and such person, from the day of so leaving such a certificate of his intentions, and such copy thereof as aforesaid, shall be considered to all intents and purposes as belonging to said First Baptist Society; and shall

Condition of
membership.

thereafter be exempted from taxation, of a nature exclusively parochial, in the town or society, to which before that time he belonged.

Certificate of
secession.

SECT. 3. *Be it further enacted*, That when any member of said First Baptist Society may see cause to secede therefrom, and to unite with any other religious society in the town of Col-raine, or in either of the adjoining towns, the like rule, in relation to certificates, shall be observed and required, *mutatis mutandis*, as is required in the second section of this act: *Provided always*, that in every case of secession from one society and joining another, the person so seceding shall be holden in law to pay his or her proportion of all taxes assessed, or voted to be assessed, on him or her, and on his or her estate, in the society so removed from.

First meeting.

SECT. 4. *Be it further enacted*. That any Justice of the Peace within the county of Franklin, be, and he hereby is, on application therefor, empowered to issue his warrant, directed to some freeholder belonging to said First Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be therein appointed, to organize said society, by electing such officers as are usual in other similar societies; and by transacting such other business of a parochial nature, as in said warrant shall be expressed. And such officers, so chosen, shall hold their respective offices until others shall be chosen and sworn in their stead, in the month of March or April next after the first meeting of said First Baptist Society. [June 12, 1818.]

Chap. 15.

An ACT to incorporate the American Insurance Company.

Persons incor-
porated.

Powers.

{1817 ch. 120.)

May sue and
be sued.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas H. Perkins, William H. Boardman, Paschal P. Pope, Jonathan Amory, junior, James Perkins, Benjamin Rich. David Hinckley, Daniel P. Parker, Edmund Munroe, Seth Knowles, Richard D. Tucker, Samuel Parkman, junior, Robert G. Shaw, Moses Wheeler, Ebenezer Farley, Francis J. Oliver, and Caleb Loring, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the American Insurance Company; with the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of insurance companies," passed on the fifteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided* they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for

debt, or held as collateral security for monies due to said company.

SECT. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits, arising from business, shall not be less than three hundred thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; ten per centum of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ten days after public notice given by the president and directors, chosen by the stockholders, in any two of the papers printed in the town of Boston; and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the directors, and be paid in such sum or sums, at such time or times, and under such penalties as the said president and directors shall, in their discretion, direct and appoint.

Capital Stock.

Securities.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by thirteen directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall at the time of their election, be stockholders, and citizens of this Commonwealth; and shall be elected on the second Tuesday of January, in each and every year, at such time of the day, and in such place in the town of Boston, as a majority of the directors for the time being, shall appoint; of which election, public notice shall be given in at least two of the newspapers printed in the town of Boston, and continued for the space of ten days immediately preceding such election: and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *provided* that no stockholder shall be allowed more than thirty votes; and the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe. And if through unavoidable accident, the said directors should not be chosen on the second Tuesday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Management of business.

Annual election of officers.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be president, who shall be sworn, faithfully to discharge the duties of his office; and who shall preside for one year: And in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies, shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Presidency.

Vacancies filled up.

SECT. 5. *Be it further enacted*, That the president and three

Board of Directors.

Powers and duties of Directors.

of the directors, or four of the directors in the absence of the president, shall be a board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *Provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for one week, in two of the newspapers printed in the said town, for the purpose of electing a first board of directors, who shall continue in office until the second Tuesday of January, in the year of our Lord one thousand eight hundred and nineteen. [June 12, 1818.]

Chap. 16.

An ACT to annex Paul Crowell and others, to the Calvinistic Congregational Society, in Sandwich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Paul Crowell, William King, Lavina Howland, Richard Derick, and Shubael Ewer, with their families and estates, be, and they hereby are set off from the first parish in the town of Sandwich, and annexed to the Calvinistic Congregational Society in said Sandwich, with all the rights and privileges which other members of the said Calvinistic Congregational Society have and enjoy. [June 12, 1818.]

Chap. 17.

An ACT to incorporate the Nantucket Phoenix Insurance Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Chase, Paul Gardner, Zenas Coffin, and others, and all such persons as have already, or shall hereafter, associate with them, being citizens of the United States, be, and they hereby are incorporated into a company and body politic, by the name of the Nantucket Phoenix Insurance Company; and shall have all the powers and privileges, and be subject to all the duties, requirements and restrictions contained in an act, entitled "An act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February last; which corporation shall continue for and during the term of twenty years from the passing of this act; and by that name may sue and be sued, plead and

1817 ch. 120.
Powers and Privileges.

be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, for the use of said company.

SECT. 2. *Be it further enacted*, That a share in the capital stock of said company shall be one hundred dollars, and the number of shares one thousand; and if the whole number of shares are not already filled, subscriptions shall be kept open, under the direction and inspection of the president and directors of said company, until the same shall be filled; and the whole capital stock and property, which the said company shall be authorized to hold, shall be one hundred thousand dollars, exclusive of premium notes, or profits, arising from their business; of which capital stock or property, not more than ten thousand dollars shall be invested in real estate.

SECT. 3. *Be it further enacted*, That the concerns of said corporation shall be managed by seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall, at the time of their election, be stockholders, and citizens of the Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time and place in the town of Nantucket, as a majority of the directors, for the time being, shall appoint; of which election public notice shall be given, by advertising, at two of the most public places in the town of Nantucket, for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election, by the directors; and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote for each share in the capital stock; *provided*, no stockholder shall be allowed more than ten votes, and the stockholders not present may vote by proxy, under such regulations as the company may prescribe; and, if by any unavoidable accident, the directors should not be chosen, on the second Monday of January as aforesaid, it shall and may be lawful to choose them on another day, in manner aforesaid.

SECT. 4. *Be it further enacted*, That the directors chosen as aforesaid, as soon as may be after their election, shall meet and choose out of their number, one person to be president, who shall preside until his successor shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of any vacancy by death, resignation, or inability to discharge the duties of office, such vacancy, whether of president or director, shall be filled for the remainder of the year by a special election for that purpose, to be held in the same manner as is herein before directed, respecting annual elections of directors and president.

SECT. 5. *Be it further enacted*, That the president and three directors, or four of them in his absence, shall constitute a board competent to do business; and all questions, before them, shall be decided by a majority of votes, and they shall have power

Duties and
emoluments of
officers.

to make and prescribe such by-laws, rules and regulations, as to them may appear needful, respecting the management and disposition of the stock, property and estate of said company, and shall have power to appoint a secretary, clerks and servants, for the purpose of managing said business, and allow them such salaries for services, and such compensation to the president, as shall be deemed equitable and just; *provided*, such by-laws, rules and regulations, shall not be repugnant to the laws of this Commonwealth.

Meetings of di-
rectors.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the directors, at least once in every month, and as often within each month as the president and directors shall deem proper; and the president and committee of three of the directors, to be by him appointed, in rotation, shall assemble daily, if necessary, for the despatch of business; and it shall be the duty of the directors, on the second Monday of January and June, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said company, as to them shall appear advisable; and fifty dollars on each share of said stock shall be paid within sixty days after the first meeting of said company; and the remaining sum due on each share, within one year next afterwards, by such instalments as said company shall direct; and no transfer of any share in said company shall be valid, until all the instalments on such share shall have been paid.

Instalments.

Individual pre-
perty liable to
attachment.

SECT. 7. *Be it further enacted*, That no person, being a director of any other company, carrying on the business of marine insurance, shall be eligible as a director of the company by this Act established; and the property of any member in said company, with the dividends due thereon, shall be liable to attachment and execution in favor of any *bona fide* creditor, in manner following, viz. whenever a proper officer, having a writ of attachment or execution against any member, shall apply to the secretary of said company; it shall be his duty to expose the books of the corporation to such officer, and furnish him, in his official capacity, with a certificate under his hand, ascertaining the number of shares which the said member holds, and the amount of dividends due thereon; and when any such shares shall be attached on mesne process, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the secretary; and such shares shall be sold on execution, on due notice by the officer, of the time and place of sale, and conforming in all respects to the law respecting sales of personal property on execution: And it shall be the duty of such officer, making such sale, within ten days next after said sale, to leave an attested copy of the execution, with his return thereon, with the secretary of the company; and the vendee shall thereby become the proprietor of such shares, and all dividends thereon, if the same dividends have accrued after taking in execution aforesaid, or when there has been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SECT. 8. *Be it further enacted*, That the president and direc-

tors of said company shall, when and as often as required by the legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination under oath, or affirmation, concerning the same; and Sylvanus Macy is hereby authorized to call a meeting of the members of said company, for the choice of directors, by advertising the same, in two of the most public places in the town of Nantucket, for ten days at least, previous to the choice of the first board of directors, who, when chosen, shall continue in office until the second Monday in January next, and until others are chosen in their stead. [June 12, 1818.]

Accounts to be
examined.

An ACT in addition to an Act, entitled "An Act to incorporate the Proprietors of the North Meeting House, in Salem."

Chap. 20.

1801 ch. 27.

(V. 2. p. 470.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the North Meeting House, in Salem, in the county of Essex, be, and they hereby are authorized and empowered, at a meeting to be called for that purpose, to make a new valuation of the gallery pews in said meeting house; and that after such new valuation, all sums voted to be raised by said proprietors, shall be assessed upon such floor pews as the proprietors shall determine on, according to the original valuation thereof, as recorded in the proprietors' book, and upon such gallery pews as they shall determine on, according to said new valuation: *Provided however,* that no pews shall be exempted from assessment, except such as have been heretofore exempted by said proprietors. [June 12, 1818.]

An ACT to incorporate the Second Parish, in the town of Deerfield.

Chap. 22.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following named persons, inhabitants of the town of Deerfield, in the county of Franklin, viz. Abner Cooley, Elijah Arms, Isaac Parker, Artemas Williams, Joseph Saunderson, Elihu Barnard, Asa Hawks, John Amsden, Jonathan Hawks, Elihu Clary, Elisha Field, Elisha Clapp, William Hawks, Timothy Blodget, Simeon Blodget, Asa Johnson, Waitstill Hawks, Lemuel Tryon, Silas Hawks, Rufus Clark, Jedediah Clark, Eliakim Arms, William Anderson, Zebina Russell, John Anderson, William Tryon, Eber Allis, Reuben Jewett, Luther Tryon, Philip Smith, Zebadiah Graves, Russell Cooley, Amos Russell, Benjamin Mann, Zebadiah Graves, junior, Ephraim Sprague, Dennis Arms, Samuel Graves, Ira Billings, Augustus Baldwin, Samuel Rogers, Seth Arms, Jesse Billings, Eliphaz Arms, Eli Cooley, Erastus Arms, Harry Arms, John Baldwin, Timothy Billings, Dennis Cooley, Solomon Anderson, Stephen Whiting, Jesse Severance, and Elisha Nims, with their estates, be, and they hereby are incorporated into a religious society, by the name of the Second Congregational Parish, in Deerfield; with all the powers, privileges, and immunities, and subject to all the duties to which other religious societies in this Commonwealth are entitled or obligated by law, excepting as is herein otherwise enacted, provided or declared.

Persons incor-
porated.

Powers and
privileges.

Admission of
members.

SECT. 2. *Be it further enacted*, That any of the inhabitants of the said town of Deerfield, who may desire to join said society, shall have full liberty thus to do, at any time within twelve months after the passing of this Act; *provided* they signify in writing, under their hand, to the clerk of said town, and also to the clerk of said second parish, their wish and determination of being considered as members of said second parish; and they shall be accordingly recorded as such by the several and respective clerks aforesaid.

Terms of ad-
mission.

SECT. 3. *Be it further enacted*, That if any person, who may hereafter come to reside and dwell within the limits of said town, shall be desirous of joining the said society, such person shall have full liberty to do it, with his estate, at any time within twelve months of the time of his so coming to reside and dwell in said town, by making known his determination of the same, in the manner pointed out in the second section of this Act; and the clerks shall make record thereof, as is above provided.

Time of ad-
mission.

SECT. 4. *Be it further enacted*, That all young persons, who now do, or hereafter shall reside and dwell within the limits of the said town, shall, when they become twenty-one years of age, have full liberty, at any time within twelve months after they shall have arrived at that age, to join, with their estates, the said society, by making known such their determination in manner herein before provided; and the clerks shall make record thereof as abovementioned.

Ministerial
tax.

SECT. 5. *Be it further enacted*, (the inhabitants of said town of Deerfield in legal meeting assembled, and the persons herein incorporated into a second parish having thereto consented and agreed) That the inhabitants of the said town shall hereafter be holden and obliged to pay the sum of three hundred and thirty-three dollars and thirty-three cents, annually, towards the support of a Congregational minister in said second parish, and at that rate for any fractional part of a year, that such minister may be settled in the same parish, and that the assessors of said town shall have the authority and power, and it is hereby made their duty to assess annually, in the same manner as though the said second parish had not been incorporated, in the annual ministerial tax, on all the inhabitants of said town, whether members of the first or second religious congregational parish therein, in addition to the sum or sums, which it may be necessary to assess, to pay the minister of the first parish his salary, and to keep in repair the present Congregational meeting house in said town, the further sum of three hundred and thirty-three dollars and thirty-three cents, or such fractional parts thereof, as the case may require; which sum or such fractional part thereof, according as the case may require, shall be payable and paid, from time to time, and at all times hereafter, by the treasurer of the said town, on demand upon him made, to the treasurer of the said second parish, at the same time and times, as the salary of the present Congregational minister of the said town is payable; to be appropriated towards the annual support of any Congregational minister and ministers, who shall be regularly settled in said second

Money to be
paid to treas-
urer of second
parish.

parish; reckoning and accounting from the time of the settlement of such minister and ministers, and during his and their continuance in said office; such minister and ministers so settled in said second parish, relinquishing all claim to the lands in the said town, sequestered for the use of the ministry, and to all monies which have arisen or shall hereafter arise, from the sale of any of the said lands, and to the ministerial fund in said town, so called, as has been heretofore practised in the settlement of ministers in said town; leaving the same, as they now are, subject to the controul and management of said town: *Provided however*, that when the cost and expense of the repairs, Proviso. which may be made upon the present Congregational meeting house in the said town, shall, in any one year, amount to the sum of twenty dollars or more, the treasurer of the said town, shall be holden and obliged to pay over to the treasurer of the said second parish, on demand made as aforesaid, and at the same time and times as is above mentioned, the just proportion of such cost and expense, which shall have been assessed in the ministerial tax, on the members of said second parish; *provided also*, that the members of the first parish shall not be holden or obliged to pay any thing towards the settlement of any minister who may hereafter be settled in the second parish, or for the building or repairing of any meeting house, which may be erected by or for the same parish: *Provided also*, that upon Proviso. the future settlement of any minister in the first parish, the members of the second parish shall be wholly exempted from contributing any thing towards his settlement. *And provided also*, that if, at any future time, the first parish should build a new meeting house or meeting houses, for the accommodation of its members, the then existing members of the second parish shall be likewise exempted from contributing or paying any thing towards the cost and expense of the same.

SECT. 6. *Be it further enacted*, That the officers of the said town of Deerfield, whose duties are similar to the duties of officers usually chosen and appointed in parishes, shall, ex officio, be considered to all intents and purposes, as the officers of said first parish; and it shall be lawful to insert in the warrants for calling town meetings in said town, any article of a parochial nature, relating to the concerns of the said first parish, and to act on the same as though the said second parish had not been incorporated: *Provided however*, that in all matters and things, merely of a parochial nature, transacted in such town meetings, the then members of said second parish shall not be entitled to vote, or in any way interfere with the same. Special business of meetings.

SECT. 7. *Be it further enacted*, That any Justice of the Peace in said county of Franklin be, and he hereby is authorized to issue his warrant, directed to some member of the said second parish, requiring him to notify and warn the members of the same parish, qualified to vote in parish affairs, to assemble at such convenient time and place in said town of Deerfield, as shall be expressed in said warrant, to choose such officers, as parishes are by law required to choose in the month of March First meeting.

or April, annually, and to transact all other matters and things necessary for the well being of the same parish. [June 12, 1818.]

Chap. 23.

An ACT to annex Elisha Harmon, with his family and estate, to the North Parish, in the town of New Marlborough.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Harmon, with his family and estate, be, and they are hereby set off from the south, and annexed to the north parish, in the town of New Marlborough; provided, that the said Elisha Harmon shall be holden to pay his proportion of all parish expenses assessed and not paid prior to the passing of this Act. [June 12, 1818.]

Chap. 24.

An ACT extending the time allowing the trustees of the Nantucket Bank to close their concerns.

(1812 ch. 57.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of one year, from the first Monday of October next, be granted and allowed to the trustees of the Nantucket bank, for the sole purpose of enabling said trustees gradually to settle and close their concerns, and divide their capital stock; they conforming in all respects, to an Act passed the twenty-fourth day of June, in the year of our Lord one thousand eight hundred and twelve, entitled "An Act to enable certain banks in this Commonwealth to settle and close their concerns." [June 12, 1818.]

Chap. 25.

An ACT to incorporate The Essex Agricultural Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Pickering, William Bartlett, John Heard, Thomas Kittredge, David Howe, Ichabod Tucker, Asa Andrews, Nehemiah Cleveland, David Cummins, Joseph Peabody, Ichabod Nichols, Robert Dodge, Thomas M. Clark, William B. Banister, Isaac Osgood, John Adams, Frederick Howes, Hobart Clarke, Jesse Putnam, Hezekiah Flint, Thomas Stephens, Nathaniel Hooper, Benjamin T. Reed, William Reed, Temple Cutler, Paul Kent, Elisha Mack, John G. King, Theodore Eames, Joseph Andrews, Michael Webb, Benjamin R. Nichols, and Leverett Saltonstall, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Essex Agricultural Society; and for this purpose, shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth; and the said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income whereof shall not exceed five thousand dollars; and also have power to sell, alien, or dispose of the same estate, real and personal, not using the same in trade or commerce.*

First meeting.

SECT. 2. *Be it further enacted, That David Cummins, Esquire, of Salem, in said county, be, and he hereby is authoriz-*

ed to notify and call the first meeting of the society aforesaid, for the purpose of organizing the same, and for establishing rules and by-laws for the government of the same, by giving public notice of the time and place of holding said meeting, two weeks, in each of the newspapers printed within the said county of Essex. [June 12, 1818.]

An ACT to incorporate The Salem Commercial Insurance Company.

Chap. 26.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Silsbee, Joseph Story, Stephen White, Nathaniel West, junior, Timothy Bryant, and William P. Richardson, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of The Salem Commercial Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled, “An Act to define the powers, duties and restrictions of insurance companies,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years, after the passing of this Act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided* the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security, for monies due to said company.

Persons incorporated.

(1817 ch. 120.)

General powers.

May hold real estate.

SECT. 2. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes and profits arising from business, shall not be less than one hundred thousand dollars, nor more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the President and Directors, chosen by the stockholders, in two newspapers, printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three-fourths of the Directors, and be paid in such sum or sums, at such time or times, and under such penalties as the said President and Directors shall, in their discretion, direct and appoint.

Capital stock.

SECT. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said company shall be managed and conducted by nine directors, one of whom shall be president thereof, and shall hold their offices for one year, and until others are chosen and no longer; and who shall, at the time of their election, be stockholders and citizens of this Commonwealth, and shall be elected on the second Monday of January

Officers annually elected.

in each and every year, at such time of the day, and in such place in the town of Salem, as a majority of the directors, for the time being, shall appoint; of which election public notice shall be given, in two of the newspapers, printed in the town of Salem, and continued for the space of ten days immediately preceding such election: And the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock; *provided* that no stockholder shall be allowed more than ten votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And, if through any unavoidable accident, the said directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Proviso.

Presidency.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

By-laws and regulations.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five directors, in the absence of the president, shall be a board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet: *Provided* such by-laws and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Salem, by advertising the same for two successive weeks, in the Essex Register and Salem Gazette, printed in Salem, for the purpose of electing a first board of directors, who shall continue in office until the second Monday of January, in the year of our Lord one thousand eight hundred and nineteen. [June 12, 1818.]

AN ACT to incorporate The Episcopal Church in Dedham.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abel D. Alleyne, John W. Ames, John W. Baker, Silas Bacon, Pitts Butterfield, John P. Cain, Seth Chapin, John Cox, John B. Derby, Abner Ellis, Stephen Farrington, Mary Gay, Timothy Gay, Timothy Gay, jun. Cyril Gillet, Ezekiel Kingsbury, Noah Kingsbury, Moses Kingsbury, Joshua Kingsbury, Samuel Lowder, William H. Mann, Eliphalet F. Mason, Nathaniel Polley, jun. Timothy Richards, Jesse Richards, Willard Richards, James Richardson, Jeremiah Shuttlesworth, and Erastus Worthington, together with all the present proprietors of the pews of said church, with their families and estates, and such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a Protestant Episcopal Society, by the name of The Episcopal Church in Dedham; with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church in the United States.

SECT. 2. *Be it further enacted,* That each and every one of the above mentioned persons and proprietors, shall be entitled to the same privileges of voting and acting, at all legal meetings of said society, excepting that the admission of future members shall be determined solely by the votes of the major part of the proprietors of pews present, at a legal meeting of said society, called for that purpose; and in no case, shall any proprietor be entitled to more than one vote for any number of pews which he may possess.

SECT. 3. *Be it further enacted,* That all persons desirous to associate with the said Episcopal Church, who may enter their names with the clerk thereof, and be admitted in manner aforesaid, shall be deemed members, and as such, be liable to all legal duties and assessments; *provided,* that those who may thus become members hereafter, shall, before they are exempted from taxation for the support of public worship in the town or parish where they reside, leave notice, in writing, with the clerk thereof, of their having associated with the said Episcopal Church: *Provided also,* that persons withdrawing from the said Episcopal Church, who may give like notice to the clerk thereof, shall be no longer liable to taxation there; but they, with their polls and estates, shall again become liable to all taxes and duties, for the support of public worship in the towns or parishes where they may reside.

SECT. 4. *Be it further enacted,* That whenever the office of rector, in said society, shall be vacant, the said society, at a meeting duly called for that purpose, shall elect a rector, who shall be inducted according to episcopal usage.

SECT. 5. *Be it further enacted,* That the annual meeting of the society shall be on Easter Monday, at the Church in Dedham, at such hour as the wardens shall notify: at which time, the said society shall choose two wardens, three or five vestry

Chap. 27.

See 1793 ch. 68.
(V. 1. p. 513.)
and 1814 ch.
56.

Persons incor-
porated.

General Pow-
ers.

Votes.

Membership.

Provisos.

Rectorship
supplied.

Annual meet-
ing.

men, a treasurer, clerk, and other necessary officers, who shall continue in office one year, and until others are chosen and qualified; and special meetings shall be notified in the same manner, by the wardens, as parish assessors or committees, are by law required to notify parish meetings.

May hold real estate.

SECT. 6. *Be it further enacted*, That the said Episcopal Society may hold by gift, grant, or otherwise, real and personal estate, the annual income of which shall not exceed five thousand dollars; and the wardens and vestry shall have the management of the same, pursuant to the votes of the said society, and subject at all times to account to them: but in no case, shall either the wardens and vestry, or the society, reduce the rents of the church glebe, already fixed by contract.

Duties and responsibility of treasurer.

SECT. 7. *Be it further enacted*, That the treasurer of the said church shall give bond, with sureties to the satisfaction of the wardens and vestry, for the faithful performance of his duties, in the penal sum of two thousand dollars; and he only shall have a right to receive the rents and monies of said society; and for that purpose, shall have custody of all leases and other written evidence of debts due to them; and he shall annually, submit to the wardens and vestry, and to the society, a full and detailed account of all monies, by him received and paid.

SECT. 8. *Be it further enacted*, That all deeds of pews in said church, shall be recorded within three months after they are executed, in the books of the clerk of said society, and need not be hereafter recorded in the office of the town clerk, or register of deeds.

First meeting.

SECT. 9. *Be it further enacted*, That upon application to any justice of the peace for the county of Norfolk, he is hereby empowered to issue his warrant, directed to one of the persons named in this Act, requiring him to notify and warn a meeting of the members of the said Episcopal Society, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of church officers, and the doing such other business as may be necessary for the due organization of the said society.

Acts repealed.

SECT. 10. *Be it further enacted*, That all Acts, and parts of Acts, inconsistent with the provisions of this Act, be, and the same are hereby repealed; *provided* such repeal shall, in no manner, affect any contract already made under, or confirmed by said Acts, or any action now pending. [June 12, 1818.]

Chap. 29.

AN ACT to incorporate the First Universalist Society in Leverett.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Comins, Henry Rider, Asa Comins, Ransom Adams, Moses Smith, Orlando Field, Aaron Dudley, Asa Moore, Samuel Larned, Martin Moore, Rodolphus Perry, Lewis Gilbert, Samuel Gould, Amos Wilmarth, Edmund Rawson, John Davis, Elijah Grover, Thomas Heard, Jonathan Glazier, junior, Samuel Lamb, Elijah Williams, Jonathan Glazier, Samuel Miley, Joshua Leonard, Gershom Comins, Jonathan Bellows, Por-

ter Nutting, James Comins, junior, and Moses Field, junior, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society in Leverett; with all the powers, privileges, and immunities, to which other parishes or religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only.

SECT. 2. *Be it further enacted,* That said society be, and they are hereby authorized to raise by assessments, on the polls and estates of the members thereof, such sum or sums of money for the erection of any house, for the public worship of God, for the settlement and maintenance of a minister or ministers, repairing said house and other expenses of public worship, with such incidental charges, as they shall agree upon at any legal meeting called for that purpose; and the same may assess or cause to be assessed, on the polls and estates of said members as aforesaid, as they shall, at such meeting, deem proper; and said society shall be capable in law to purchase and hold estate, real and personal; *provided* the annual income thereof shall not, at any one time, exceed the value of two thousand dollars.

Assessments.

May hold real estate.

SECT. 3. *Be it further enacted,* That any person belonging to said town of Leverett, who may be desirous of joining in religious worship with, and becoming a member of the aforesaid society, and give in his or her name to the town clerk of said Leverett, with a certificate, signed by the minister or clerk of said society, that he or she has actually become a member of, and united with the said Universalist Society in religious worship, shall, from and after giving such certificate, with his or her polls and estate, be considered as part of said society: *Provided however,* that such persons shall be holden to pay their proportion of all money granted in the town to which they belonged previous to that time.

Membership.

Conditions of secession.

SECT. 4. *Be it further enacted,* That if any member of said Universalist Society shall, at any time, see cause to leave the same, and unite with any other religious society, in the towns from which they came, and lodge a certificate of such his or her intention, with the minister or clerk of said Universalist society, and also with the clerk of the town to which they belong; and shall pay his or her proportion of all money granted by said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalist society.

SECT. 5. *Be it further enacted,* That any Justice of the Peace in the county of Franklin, be, and hereby is authorized to issue his warrant, directed to some suitable person, who is a member of said Universalist society, requiring him to warn and notify the members thereof to meet at such time and place, in said town of Leverett, as shall be directed in said warrant, to choose such officers as parishes and religious societies in this

First meeting.

Commonwealth are by law authorized to choose in the month of March or April, annually. [June 12, 1818.]

Chap. 30.
1817 ch. 163.

AN ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Agricultural Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an Act, entitled "An Act to incorporate the President, Directors and Company of the Agricultural Bank," as regards the time at which the different instalments of the capital stock are required to be paid in, is hereby repealed; and that the stockholders of said bank be, and they are hereby required to pay in the first instalment of fifty dollars on each share, on the first day of September next, the second instalment of twenty-five dollars on each share, on the first day of January, in the year of our Lord, one thousand eight hundred and nineteen, and the third instalment of twenty-five dollars on each share, on the first day of April, then next following, or at such earlier times as the stockholders of said bank at any meeting thereof may determine. [June 12, 1818.]

Chap. 34.
1815 ch. 128.

AN ACT in addition to an Act, entitled "An Act to incorporate the town of Enfield."

Town boundaries.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the boundary line between the towns of Enfield and Greenwich, and north and south parish, shall be as follows, viz. beginning at the north-east corner of Amos Hunter's farm, at a stake and stones on Pelham south line; thence south, six hundred and eighty-three rods, to a stake and stones standing at the south-west corner of the farm belonging to the heirs of Abel Walker, deceased, and north line of John Rich's old farm; thence east five degrees north, one hundred and fifty-six rods, to the northwardly bank of Swift river; thence crossing said river in the same direction; thence up the said river, on the bank thereof, twenty-five rods; thence south four degrees thirty minutes west, three hundred and eighteen rods, to the south-west corner of John F. Stevens' farm, on the hill, Little Quobbin, so called; thence east seven degrees north, seventy-two rods, to a stake and stones; thence east one degree south, fifty-eight rods, to a stake and stones standing at the north-west corner of the Eaton lot, so called; thence east twenty-five degrees south, to a small brook; thence up the middle of said brook, as the stream runs, southerly through the middle of the small pond; thence in a due south course to the county road leading from Hardwick to Enfield; thence crossing said road, to the south side thereof; thence in the south line of said county road, to the line of the town of Hardwick, but so as to include the whole of a school house standing on or near said road, within the town of Enfield.

Lands set off.

SECT. 2. Be it further enacted, That all the lands lying north and east of the above described line, which belonged to the south parish in Greenwich and the town of Enfield, together with the inhabitants thereon, are hereby set off from the town of Enfield and south parish, and annexed to the town of Green-

wich ; and the north parish, and all the lands lying south and west of the said line, which belonged to the north parish and the town of Greenwich, together with the inhabitants thereon, are hereby set off, and annexed to the town of Enfield, south parish ; and the inhabitants so set off on either side, shall enjoy all the rights and privileges, and be subject to all the duties and requisitions in the towns and parishes to which they belong, as the other inhabitants of said towns and parishes.

SECT. 3. *Be it further enacted*, That the inhabitants of said towns and parishes shall be holden to pay all taxes already assessed, or voted to be raised, by either of the said towns or parishes, previous to the passing of this Act, in the same manner as if the same had not been passed : *Provided however*, that nothing in this Act shall affect the provisions of an Act passed February sixteenth, in the year of our Lord one thousand eight hundred and sixteen, for the support of paupers, between the towns of Enfield and Greenwich. [June 12, 1813.]

Payment of
taxes.

An ACT to incorporate the Proprietors of Mills on Manattiquot River, in Braintree.

Chap. 35.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonas Welsh, Nathaniel Thayer, 2d, Abraham Holbrook, James Holbrook, Abraham Thayer, and James Forster, with their associates and successors be, and they are hereby made a corporation and body politic forever, by the name and style of the Proprietors of Mills on Manattiquot River ; with all the powers, privileges and immunities incident to a corporation aggregate ; and said corporation is hereby made capable in law of having, holding, purchasing, and taking in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands, tenements, hereditaments, or other estate, real, personal or mixed, necessary for the purposes contemplated in this Act.

Persons incor-
porated.

Powers.

SECT. 2. *Be it further enacted*, That said corporation shall have full power, liberty and authority, to make the reserves of water wished by them, in the following described ponds, or any of them, viz. Houghton's Pond, so called, lying in Canton, between Braintree Great Pond and the Blue Hill, containing about thirty acres ; Cranberry Pond, so called, situated in the south-east part of Braintree, containing about thirty acres ; the Little Pond, so called, lying in the centre of the town of Braintree, containing about seventy acres ; the Great Pond, so called, lying partly in the south-west part of Braintree, and partly (about one eighth of the pond) in Randolph, estimated to contain one hundred and thirty acres. And said proprietors are hereby authorized and empowered, by themselves or their agents, in their corporate capacity, to erect suitable dams at proper places, for said purpose, to preserve said dams in such repair as they may consider necessary to raise the water in said ponds as high as its original bounds, to lower the outlets of said ponds, and to draw off such portions of said waters from any of said ponds, in such quantities, and at such times as they, or a major part of them, or their special agent for that purpose, shall judge best for the interest of all concerned.

Course of wa-
ter reserves.

Dams.

General powers. **SECT. 3.** *Be it further enacted,* That said corporation shall have a common seal, and be capable in law to prosecute and defend to final judgment and execution any action or other process, before any court, tribunal or magistrate whatever, and to do and perform all such other acts and things, as an aggregate corporation may or of right can do. And they shall have power to appoint a president, clerk, and such other officers and agents, and to make such by-laws and regulations as they may find necessary; *provided* the same are not repugnant to the laws of this Commonwealth.

Proviso.

Penalties.

SECT. 4. *Be it further enacted,* That if any person or persons shall wilfully or maliciously take up, remove, break down, dig under, or otherwise injure or destroy in any manner, said dams, or any of the gates or waste ways thereof, or any part of them, or shall impede or hinder said proprietors or their agents, in erecting, maintaining or repairing said dams, or any of them, or any of the gates or waste ways thereof, such person or persons shall forfeit and pay to said corporation, a sum not less than fifty dollars, nor more than one hundred dollars, according to the nature and aggravation of the injury done or committed; and such offender shall be further liable to indictment for such trespass; and on conviction thereof, shall be sentenced to pay a fine to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

First meeting.

SECT. 5. *Be it further enacted,* That any three of the persons named in the first section of this Act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper, they giving two days previous notice to the other proprietors therein named.

Corporation liable against overflowing.

1795 ch. 74.&c.

SECT. 6. *Be it further enacted,* That in case any damages shall accrue to any person by flowing said ponds higher than by law, or the provisions of this Act they are entitled to be flowed, such damage shall be paid by said corporation as is provided for and given in the Act, entitled "An Act for the support and regulation of mills," and in the several Acts in addition thereto. [June 12, 1813.]

Chap. 37.
1817 ch. 90.

An Act in addition to an Act, entitled "An Act to authorize the town of Hingham to sell certain Real Estate."

Extension of power.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the provisions of the Act, entitled "An Act to authorize the town of Hingham to sell certain real estate," shall extend to all the lands within the said town of Hingham, held by the original proprietors of the township in common and undivided, and voted, by the legal representatives of the said original proprietors, to be given to the inhabitants, at a legal meeting, held by them, on the first Monday of April, in the year of our Lord one thousand seven hundred and eighty-eight, subject always to the conditions of the said vote. [Jan. 26, 1819.]

Chap. 43.

An Act to incorporate the Salem Laboratory Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

That George S. Johonnot, John Punchard, and Isaiah Hacker, and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and they hereby are constituted a body politic and corporate, by the name of the Salem Laboratory Company; and by that name, may sue and be sued, plead and be impleaded, defend and be defended, in any courts of record, or in any place whatsoever; and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs; *provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth: And the said company shall have all the powers and privileges, and be subject to all the duties contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation shall be, and hereby is declared capable to have, hold and possess lands, tenements and hereditaments, not exceeding in value the sum of sixty thousand dollars; and may erect on the same, or any part thereof, all such buildings, furnaces, machinery and apparatus, as may be necessary and proper for making and manufacturing alum, Roman vitriol, aqua fortis, oil of vitriol, and any other chemical article or articles, capable of being manufactured on the premises; and the said corporation is further authorized to hold and possess personal estate, not exceeding forty thousand dollars in amount; the whole of which corporate property shall be divided into three thousand shares.

SECT. 3. *Be it further enacted*, That the shares in the said corporation may be sold and transferred, by deed duly acknowledged by the proprietors thereof, and recorded by the clerk of said corporation, in a book to be kept for that purpose: And the said corporation are hereby authorized to raise such sums of money as may, from time to time, be necessary for effecting the objects of said corporation, by equal and just assessments on the several shares therein; and the time when such assessments become due and payable, shall be notified in one of the public newspapers printed in Salem, in the county of Essex, and also in one of the newspapers printed in Boston, in the county of Suffolk; and the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of any proprietor who shall neglect to pay the assessments laid thereon, when the same shall become due and payable, as aforesaid, or so many of such shares as shall be necessary for that purpose, giving notice of the time and place of such sale, by publishing a notification thereof, in the newspaper in which the laws of this Commonwealth are ordered to be printed, for the time being; and also in one of the newspapers printed in Salem, aforesaid, thirty days, at least, before the time of such

Persons incor-
porated.General pow-
ers.

(1808 ch. 65.)

May hold real
estate.Shares may be
sold.

sale : And a deed of such share or shares, duly executed and acknowledged, by the treasurer, and recorded as aforesaid, shall be a valid conveyance of such delinquent proprietor's share or shares, to the purchaser thereof ; and the surplus money, arising from such sale, if any remain, after paying the assessments due, and interest thereon, from the time when the same became due, and also all the charges and expenses of such sale, shall be paid to said delinquent proprietor, or his assigns : Or the said corporation may recover the amount of such assessments and interest, with costs, in an action of debt, in any court having jurisdiction thereof, as they shall elect and determine.

Election of
officers.

SECT. 4. *Be it further enacted*, That the proprietors aforesaid shall meet, from time to time, and at such times as shall be provided for, in their by-laws, for the purpose of electing such officers as they shall find necessary, and for transacting any other business relating to the objects of their incorporation ; and every proprietor present, or represented at any such meeting, shall be entitled to as many votes as he has shares ; *provided however*, that no proprietor shall, in any case, be entitled to more than twenty votes.

First meeting.

SECT. 5. *Be it further enacted*, That the said George S. Johnnot, is hereby authorized to call the first meeting of said corporation, by an advertisement in one of the newspapers, printed in Salem aforesaid, one week, at least, previous to said meeting ; at which first meeting, the proprietors present, shall choose a clerk, who shall be sworn, or affirmed, to the faithful discharge of his duties : And it shall be the duty of said clerk, to record this Act, the rules and by-laws of said corporation, and the proceedings of the proprietors, at every regular meeting, in a book to be provided for that purpose, and make all other records that may be necessary. [Feb. 1, 1819.]

Chap. 44.

An ACT establishing the Dividing Line between the towns of Wrentham and Foxborough, in the county of Norfolk.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described line be in future established as the dividing line between the towns of Wrentham and Foxborough, viz. beginning at a stake and heap of stones, at the corner of Attleborough and Mansfield, on the county line ; thence north, about five degrees east, by sundry marked trees, and other bounds, and through the westerly part of Shepard's Pond, two hundred fifty-three chains and twenty-six links, to a long stone, with stones around, on a rocky hill ; thence north, twenty-six degrees, thirty minutes east, five chains and three quarters, to a high rock, with stones on it ; thence north, four degrees, ten minutes east, seventy chains and three quarters, to a flat rock, on the north side of the way, leading from one of said towns to the other ; thence north, twenty-six degrees east, thirty-eight chains, to Dedham Rock. (so called,) being the corner of Walpole : the farm formerly owned by Thomas Brastow, to remain to the town of Wrentham, as ex-

pressed in the Act incorporating the town of Foxborough. And wherever the line aforesaid, shall happen to divide the land of any inhabitant of said towns of Wrentham and Foxborough, all said land shall be subject to taxation in that town in which the present owner dwells, so long as it remains the property of him or his heirs.

Locations.

SECT. 2. *Be it further enacted*, That so long as the farm, formerly owned by Thomas Brastow aforesaid, belongs to the town of Wrentham, said town shall repair the road from Flat Rock, to the turnpike ; and the town of Foxborough from thence by the widow Tolman's, to the turnpike, near the house of Aaron Everett, Esquire ; and the town of Wrentham shall repair the Hopp Pole Road, (so called,) from the turnpike, by said Everett's house, till it comes to the place where it is discontinued by said town. [Feb. 3, 1819.]

Repairs of roads.

An ACT repealing an Act to regulate the collection of Taxes in the town of Marblehead. Chap. 47.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Act passed on the nineteenth day of October, in the year of our Lord one thousand eight hundred and fourteen, entitled "An Act to regulate the collection of taxes in the town of Marblehead," be, and the same is hereby repealed ; *Provided however*, that this Act shall not be construed so as to prevent the present treasurer and collector of said town, from completing the collection of all such taxes as are already committed to him to collect, by the assessors of said town, in the same manner as though this Act had not been passed. [Feb. 4, 1819.]

(1814 ch. 72.)

An ACT in addition to an Act, entitled "An Act incorporating the President, Directors and Company of the New England Bank." Chap. 48.

1813 ch. 46.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the New England Bank, are hereby made capable in law, as a corporation, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of seventy thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same. [Feb. 4, 1819.]

An ACT granting further time to the President, Directors and Company of the Pawtucket Bank, to pay in the fourth instalment of their Capital Stock. Chap. 51.

1813 ch. 23.

1814 ch. 65.

1815 ch. 93.

1817 ch. 68.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the fourth instalment of twenty-five dollars, on each share of the capital stock of the Pawtucket bank, in lieu of being paid in at the time by law now prescribed, may be paid in, at the discretion of the stockholders of said bank, at any time within one year from the passing of this Act ; any thing in the several Acts concerning said bank, to the contrary notwithstanding. [Feb. 9, 1819.]

Chap. 52.

An ACT to incorporate the town of Sandisfield and District of Southfield into one town.

Conditions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the tenth day of February, eighteen hundred and nineteen, the town of Sandisfield and district of Southfield, in the county of Berkshire, be, and they are hereby united into one town, by the name of Sandisfield, upon the following conditions, viz.: First, the district of Southfield shall be annexed to and united with the town of Sandisfield, and shall become one town, for and to all intents and purposes, on the tenth day of February, eighteen hundred and nineteen; and shall thenceforth exercise and enjoy all the benefits, privileges and immunities, and shall be liable to all the charges, burthens and expenses of a town, except as is hereafter excepted. Second, the town of Sandisfield shall fulfil all its contracts, pay all debts and expenses which are or may be made, or may accrue, before the first Monday of March next, and shall pay the expense and charges of all suits at law, which now are or may be commenced by said town, or against it, before the said first Monday of March next. Third, the district of Southfield shall fulfil all contracts, and pay all debts and expenses of said district, which are now or may be made, or which may accrue, before the said first Monday of March next, and shall pay the expense of all suits at law, which are or may be commenced by or against said district, before the said first day of March next. Fourth, the district of Southfield may use, sell, or in any way dispose of their law library, weights, scales, beams and measures, for their own use and benefit. Fifth, the district of Southfield shall raise and pay over to the town of Sandisfield, to be added to the school fund of said Sandisfield, a sum of money which shall be in the same proportion to the said school fund, as the property and polls of said district shall bear to the property and polls of said Sandisfield; and the district of Southfield shall pay the lawful interest on the sum so raised, from the fifteenth day of October, eighteen hundred and seventeen, to the fifteenth day of October, one thousand eight hundred and eighteen. Sixth, the district of Southfield shall raise and pay over to the town of Sandisfield, one further sum of seven dollars and fifty cents. Seventh, the district of Southfield shall deposit in the magazine of Sandisfield their military stock and camp equipage, which shall be equal to the military stock and camp equipage of the town of Sandisfield, in proportion to the number of militia, in the said district.

Town meeting.

SECT. 2. *Be it further enacted,* That the present selectmen of the town of Sandisfield be, and they are hereby authorized and empowered to issue their warrant in the month of February current, directed to the constables of the town of Sandisfield, requiring them to notify and warn a meeting of the inhabitants of the town of Sandisfield, seven days at least before the first Monday of March next, to meet and assemble on the said first Monday of March next, at such place in said town, as the

said selectmen shall appoint, for the purpose of choosing town officers, and doing such other business as shall be expressed in the said warrant. [Feb. 3, 1819.]

An Act to incorporate the First Baptist Society in the town of Longmeadow.

Chap. 53.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gideon Gardner, Abiel Pease, Theophilus Sweetland, Thaddeus Billings, Thaddeus Billings, junior, Levi Billings, Daniel Billings, Ephraim Hunn, junior, Joseph Scott, Libni Hall, Amos Hull, Loring Lathrop, Abner Lard, Burgess Salisbury, Jared Goodrich, Abner Salisbury, Nathaniel Goodrich, Alvin Hall, Daniel Porter, Daniel Porter, junior, Luther Markham, William Wallace, Abiel Hancock, Azariah Hancock, Ziba Crane, Daniel Austin, Levi Cadwell, Henry C. Fuller, Abel Pease, Hubbard Gardner, Nathaniel Waterhouse, Gideon Hunn, Isaac Pease, Seth Kibbe, Nathaniel Waterhouse, junior, Israel Markham, David Hunn, Oliver Dwight, Andrew McIntosh, Robert McIntosh, Hezekiah Crane, Ebenezer McGregory, Ebenezer McGregory, junior, Joseph McGregory, Josiah Blodget, Samuel Billings, Jacob Hills, Jacob Hills, junior, Bishop Hills, Calvin Pease, Samuel Morgan, junior, Samuel Morgan, Shubael Pease, and Jeremiah Brown, with their families and estates, together with such others, being inhabitants of said Longmeadow, as may associate with them hereafter, for the same purpose, in the manner hereinafter described, be, and they are hereby incorporated into a religious society, by the name of the First Baptist Society in the town of Longmeadow; with all the powers, privileges and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth, for religious purposes only.

Persons incorporated.

SECT. 2. *Be it further enacted,* That any person in said town of Longmeadow, being of the Baptist denomination, who may, at any time hereafter, actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the clerk of the town or parish, to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist society in Longmeadow, fourteen days previous to the town or parish meetings, to be held in the months of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as part of said society: *Provided however,* that such person shall be holden to pay their proportion of all money assessed in the town or parish, to which he or she belonged previous to that time.

Qualification of members.

SECT. 3. *Be it further enacted,* That if any member of said society shall, at any time, see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intentions with the clerk or minister of said Baptist society, and also with the clerk of the town or parish in which he or she may reside, fourteen days at least, before the annual town or parish meet-

Terms of secession.

ing, to be held therein, in the month of March or April annually; and shall pay his or her proportion of all money assessed on said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist society.

First meeting.

SECT. 4. *Be it further enacted*, That any Justice of the Peace within the county of Hampden be, and he is hereby authorized, on application therefor, to issue a warrant, directed to some suitable member of said Baptist society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of March or April, annually. [Feb. 8, 1819.]

Chap. 56.

An ACT to incorporate the Baptist Church in Cambridge.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Brown, Elijah Cory, Timothy Cory, Josiah Coolidge, David Coolidge, Levi Farwell, David Richards Griggs, Thomas Griggs, Stephen Griggs, John Greenleaf, James Hovey, Ebenezer Hovey, William Hovey, Samuel Hancock, Bela Jacobs, Calvin Morse, Simon G. Shipley, Cornelius Stone, Nathaniel Stone, Daniel Stone, Ellis Prentiss, Nathan Palmer, and Abijah Stone, junior, with their polls and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Baptist Church in Cambridge, with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth.

Trustees.

SECT. 2. *Be it further enacted*, That the members of the said society, shall annually, in the month of March, at a legal meeting, duly warned for that purpose, choose nine persons, to be trustees of the funds of the said society, six of whom, at least, shall be members of the said church; and the said trustees shall hold their office for one year, and until others shall be chosen in their stead.

Vacancies to be filled.

SECT. 3. *Be it further enacted*, That whenever any vacancy shall happen in the board of trustees of the said society, by death, resignation, removal, or otherwise, the members of the said church, at any meeting legally warned, shall be authorized to fill such vacancy within one month after it shall happen; and if the members of said church shall neglect so to do, the remaining trustees, by a major vote, shall have power to fill such vacancy.

General powers.

SECT. 4. *Be it further enacted*, That the trustees who may, from time to time, be chosen, according to the provisions of this Act, be, and they hereby are vested with power, by the name of the Trustees of the Funds of the Baptist Church in Cambridge, to demand, sue for, recover, receive, and manage, all property, whether real, personal, or mixed, which now does or

hereafter may constitute the funds of the said church, or any part thereof, and all securities for, and evidences of such property, and to receive and manage for the use and benefit of the said church, all subscriptions, donations, grants, bequests, devises, and appropriations, that may be made to the said church; and shall apply the proceeds and income thereof, to the use of the ministry in said church, or to repair, alter, or enlarge the meeting-house, as they shall, from time to time, be directed by the said church: *Provided*, that the annual income of the said funds shall not, at any time, exceed four thousand dollars.

SECT. 5. *Be it further enacted*, That the said trustees may assemble and meet as often as they may think necessary, for the discharge of their trust; any six of whom, shall constitute a board for doing business; but the concurrence of four, at least, shall be requisite to every act and procedure whatever; they shall determine the manner of calling their meetings; they shall appoint a treasurer and clerk, and other needful officers and committees; they may make rules and by-laws for the government of themselves and their officers, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at pleasure; they may alienate by deed or deeds, any real estate, the title whereof may be vested in them by way of mortgage, execution, or operation of law; and all instruments signed by the clerk and treasurer, in conformity with a vote of said trustees, and sealed with their seal, duly acknowledged, shall be good and valid.

Privileges.

SECT. 6. *Be it further enacted*, That the clerk of the trustees aforesaid, shall be sworn to the faithful discharge of the duties of his office; shall have the care and custody of all papers and documents, excepting bonds, notes, mortgages, and other securities for debts belonging to the trustees; shall record all their votes and proceedings in a book to be kept for that purpose; shall make and certify copies of the same, when thereunto required; shall call meetings of said trustees, when he may think it necessary, or when thereto directed to by said trustees; and do whatever else may be incident to his office.

Officers, and their duties.

SECT. 7. *Be it further enacted*, That the treasurer of the trustees aforesaid, shall have the care and custody of all bonds, notes, mortgages, and other securities for and evidences of debts due to the trustees; and shall give bond to the trustees and their successors, with sufficient sureties, to be approved by them, in such penal sum as they shall require, not less than double the amount of the fund which they may then possess in their said capacity, with condition to do and perform all the duties incumbent on him as treasurer; and he shall render an account of his doings, and of the state of the said fund, whenever he shall be thereto required by the trustees.

Accountability.

SECT. 8. *Be it further enacted*, That it shall be the duty of the said trustees to use, manage, and improve such fund or estate, as shall be vested in them by virtue of this Act, with care and vigilance, so as best to answer and promote the design and will of the respective donors; and the said trustees shall be ac-

Special ac-
tions.

countable to the Baptist church in Cambridge aforesaid, for negligence or misconduct, in the management or disposition thereof, whereby the same may be impaired or suffer diminution; and the Baptist church aforesaid may have and maintain a special action of the case against any member or members of the board of trustees aforesaid, who may be guilty of any such negligence or misconduct, jointly or severally, and recover adequate damages therefor; and any sum so recovered, shall be appropriated to increase said fund, and paid to the treasurer accordingly.

First meeting.

SECT. 9. *Be it further enacted,* That the aforesaid William Brown, David Coolidge, and Levi Farwell, or any two of them, are hereby authorized and directed to notify and warn the first meeting of the Baptist church in Cambridge aforesaid, which shall be held on the second Monday of March next. [Feb. 8, 1819.]

Chap. 57.

An Act to incorporate the Gloucester Fishing Company, in the town of Gloucester.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Pearce, William Saville, Benjamin K. Hough, Israel Trask, William Babson, junior, Zachariah Stevens, William Pearce, junior, William W. Parrot, and Samuel Pearce, all of Gloucester, and their associates, successors and assigns, be, and they hereby are constituted a body corporate and politic, by the name of the Gloucester Fishing Company; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the concerns of said company, consistent with the laws of this Commonwealth, and of the United States.

Capital stock.

SECT. 2. *Be it further enacted,* That the capital stock of said company, shall consist of twenty-five thousand dollars, in shares of one hundred dollars each, with liberty to extend their capital to fifty thousand dollars. The amount subscribed and paid shall be invested in vessels and materials necessary to carry on the cod and other fisheries; fifteen per centum of which, may be invested in real estate necessary to make and cure their fish, and for the accommodation of their vessels; *provided however,* that no authority shall be had by virtue of this Act, until the sum of twenty-five thousand dollars aforesaid, shall have been actually paid.

Proviso.

Officers.

SECT. 3. *Be it further enacted,* That the affairs of said company shall be managed by five directors, to be chosen by the stockholders, on the first Monday of January annually; and the directors so chosen, shall have liberty to appoint an agent to superintend the affairs of said company; and all purchases made and engagements entered into by the said agent, when sanctioned by the directors aforesaid, shall be binding on said company. At all meetings of the stockholders for the choice of directors or for other purposes, the number of votes to which

each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportions; that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more; *provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing.

SECT. 4. *Be it further enacted*, That whenever in the opinion of the directors of said company, it shall appear for their interest, any part of the vessels and stock of said company may be employed in commercial pursuits, connected with and arising out of those of fishing, conforming themselves to the laws of the United States and of this Commonwealth. Privileges.

SECT. 5. *Be it further enacted*, That no dividend shall be made by the company aforesaid, except of their annual profits; and in no instance shall a dividend be made to impair the capital stock actually paid in. Dividends.

SECT. 6. *Be it further enacted*, That William Pearce, William Saville, and Benjamin K. Hough, be, and they hereby are empowered, to call the first meeting for the choice of directors, as soon as convenient, after the passing of this Act, by posting up notices at one or more places within the town of Gloucester, at least seven days before said meeting. First meeting.

SECT. 7. *Be it further enacted*, That this Act shall continue, and be in force for the term of twenty years. *Provided however*, that whenever a majority shall agree thereto, the stock of said company may be divided, they first paying all debts, dues and demands, against them. Limitation.
Proviso.

SECT. 8. *Be it further enacted*, That whenever any action shall be commenced against said corporation, or whenever any execution may issue against such corporation on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the president, treasurer, or clerk of such corporation, by the officer, to whom the writ or execution, against such corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate to satisfy any judgment, that may be rendered upon such writ, or to satisfy and pay the creditor, the sums due upon such executions, then and upon such neglect and default, the officer to whom such writ and execution may have been committed for service, shall serve and levy the same writ or execution, upon the body or bodies, and real and personal estate or estates, of any member or members of such corporation. [Feb. 8, 1819.] Real estate
may be attached.

An ACT establishing The Dover Iron Company.

Chap. 59.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John H. Rice, Samuel Fisher, junior, Timothy Allen, junior, Frederick Barden, John Williams, Nathaniel Chickering, Joseph Clark, Daniel Adams, and Daniel Chickering, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of Persons incorporated.

the Dover Iron Company, for the purpose of rolling and slitting iron and manufacturing nails, and other modifications of iron, in the District of Dover, in the County of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

SECT. 2. *Be it further enacted*, That the said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding sixty thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactories aforesaid. [Feb. 11, 1819.]

May hold real estate.

Chap. 62.
1815 ch. 74.

An ACT for changing the name of the Second Congregational Society in Charlestown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the name of the Second Congregational Society in Charlestown, shall be changed, and the said society shall be known and called by the name of the New Church in Charlestown; any thing in the act incorporating said society, to the contrary notwithstanding. [Feb. 11, 1819.]

Chap. 64.
1814 ch. 92.

An ACT in addition to an act, entitled "An Act granting to John L. Sullivan, a term of time for the use of his Patent Steam Tow Boats on Connecticut River, within this Commonwealth."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the *proviso* in the act, passed on the seventh day of February, in the year of our Lord one thousand eight hundred and fifteen, entitled "An Act granting to John L. Sullivan a term of time for the use of his Patent Steam Tow Boats on Connecticut River, within this Commonwealth," be, and the same is hereby extended to a further period of two years. [Feb. 11, 1819.]

Chap. 69.

An ACT to incorporate the First Baptist Society in Danvers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Andrew Bachelder, Martin Bates, Michael Barry, Moses Black, James Carr, Benjamin Chaplin, Thomas Cheever, Caleb Clarke, Parker Cross, John Doak, George Ellis, Solomon Emerson, Israel Endicot, George Ervin, Levi Fish, Benjamin Foster, William Francis, Elijah Fuller, Timothy Fuller, Daniel Goodhue, Allen Gould, Andrew Gould, Daniel Hardy, Stephen Haynes, Israel Hutchinson, Aaron Jacobs, Ebenezer Jacobs, Henry Johnson, William Johnson, Hercules H. Josselyn, John Kenny, Benjamin Kent, Benjamin Kent, junior, Joseph Kent, John Kent, Robert Lefavor, Nathaniel Mayhew, Samuel M'Intire, Jonathan M'Intire, John Mitchell, William Morris, Amos Osborn, Jeremiah

Persons incorporated.

Page, John Page, Benjamin Perry, Allen Peabody, Samuel Pindel, John Porter, Jonathan Proctor, Amos Putnam, Allen Putnam, Andrew Putnam, Jeremiah Putnam, John Putnam, Thomas Putnam, Parker Richardson, Briggs D. Reed, William Shillaber, Samuel Slater, Ephraim Smith, Joseph Stearns, Seth Stetson, Timothy Stevens, Asa Stickney, Thomas Symonds, William Trask, Daniel Upham, Benjamin Webb, Nathaniel Webb, Nathaniel Webb, junior, Samuel Whipple, Stephen Whipple, Amaziah Whitney, Noah Whittier, and Moses W. Wilson, all of Danvers, together with such others, being inhabitants of Danvers, as may hereafter associate with them, and their successors, for the purpose of religious worship only, be, and they are hereby incorporated, as a religious society, by the name of the First Baptist Society in Danvers, with all the powers, privileges, and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth; and the polls and estates of all persons who are members of said society, shall be taxable therein, for all parochial purposes.

General powers.

SECT. 2. *Be it further enacted*, That any person living in the town of Danvers, who may be desirous of becoming a member of said Baptist Society, and shall declare such intention in writing to the clerk of the religious society to which he or she belongs, fifteen days before the annual meeting in the month of March or April, and shall produce a certificate from the clerk of the said Baptist Society, that he or she has united with them in religious worship, such person shall be considered, with his or her polls and estate, as a member of said Baptist Society.

Membership.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society shall be desirous of becoming a member of any other religious society in the said town of Danvers, and shall declare such intention in writing, given to the clerk of said Baptist Society, fifteen days before the annual meeting in the month of March or April, and shall also produce a certificate from the clerk of the society, to which he or she wishes to be annexed, that he or she has united with them in religious worship, such person shall be considered, with his or her polls and estate, as a member of such other society: *Provided however*, that all persons shall be holden to pay their proportion of all sums of money, lawfully granted by either of the societies in said town of Danvers, while such person continued a member of the same.

Conditions of secession.

Proviso.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the County of Essex, upon application therefor, is hereby empowered to issue a warrant, directed to a member of the said Baptist Society in Danvers, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the election of such officers, as parishes are by law required to choose at their annual parish meetings, and to do such other parochial business as may be expressed in said warrant. [Feb. 12, 1819.]

First meeting

Chap. 70. An Act to set off Caleb Faxon, with his family and estate, from the town of Dorchester, and annex them to the town of Quincy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Caleb Faxon, with his family, polls and estate, be, and they hereby are set off from the town of Dorchester, and annexed to the town of Quincy, in the County of Norfolk; and the said Caleb Faxon shall hereafter be considered an inhabitant of the town of Quincy, and shall there exercise and enjoy all the rights and privileges, and shall also be subject to the like duties and requisitions as the other inhabitants of said town: Provided, that the said Caleb Faxon shall be holden to pay all taxes legally assessed on him by the town of Dorchester, prior to the passing of this act. [Feb. 12, 1819.]

Chap. 71. An Act to incorporate the President, Directors and Company of the Commercial Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Pickman, junior, Benjamin W. Crowninshield, Nathaniel West, Joseph Story, Thomas Saunders, Jonathan Neal, Nathaniel Bowditch, George Cleveland, Willard Peelle, Pickering Dodge, Charles Saunders, William Fettyplace, Gideon Barstow, Stephen White, Nathaniel West, junior, Nathan Robinson, and their associates, successors, and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Commercial Bank; and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An Act to incorporate the President, Directors and Company of the Merchants' Bank," in Salem, except in so far as the same are modified or altered, by this act, as fully and effectually, as if the several sections of said act were herein specially recited and enacted.*

SECT. 2. *Be it further enacted, That the capital stock of the said corporation shall consist of the sum of three hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at three equal instalments; the first on or before the fifteenth day of April next; the second instalment on or before the fifteenth day of September next; and the remaining instalment, on or before the first day of February next; and that no dividend shall be made or declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock, and the profits thereof; which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, until they shall other-*

Persons incor-
porated.

Rules.

(1811 ch. 82.)

Capital Stock.

Dividends.

Disposition of
Stock.

wise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time; with power to bargain, sell, and dispose of the same; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, on mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in the vaults, shall amount to seventy-five thousand dollars.

May hold real estate.

Proviso.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Salem.

Location.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock, then actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to such corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in.

Loans to State.

Proviso.

SECT. 5. *Be it further enacted*, That Pickering Dodge, Willard Peele, and William Fettyplace, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the two newspapers printed in the town of Salem, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose.

Meeting for choice of officers.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half part of the capital stock, actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established. [Feb. 12, 1819.]

Commonwealth's stock.

An Act in addition to an Act, entitled "An Act for establishing a Corporation, by the name of the Eighth Massachusetts Turnpike Corporation,"

Chap. 73.

1799 ch. 48.

(V. 2. p. 354.)

SECT. 1. *BE it enacted by the Senate and House of Represen-*

Privilege.

tatives, in General Court assembled, and by the authority of the same, That the proprietors of the Eighth Massachusetts Turnpike Corporation, shall, from and after the passing of this act, have leave to discontinue all that part of said road, from the place where the Becket Turnpike unites with said Eighth Massachusetts Turnpike, near the dwelling house of Daniel Sherman, in Becket, in the County of Berkshire, to the line of the town of Pittsfield, in said county.

Alteration of road.

(Altered by 1820 ch. 71.)

SECT. 2. *Be it further enacted, That the said Corporation be, and they hereby are authorized to alter the course and direction of their road, from the foot of Becket Mountain, beginning on the flat, near the west branch of Westfield River, about half a mile west of the dwelling house of Uriah Ferry; thence running upon or near said river, so far west as the east line of the Becket Turnpike; and may purchase and hold land, over which they may make the same. And the Circuit Court of Common Pleas, in the county where the road is, are hereby authorized, upon application of said corporation, to lay out the same road, in the manner provided in the act to which this is in addition. And unless said corporation shall, within two years from the passing of this act, appropriate, lay out, and expend the sum of two thousand dollars, towards the locating, building, and making the said last mentioned road, they shall, from that time, be entitled to receive at their middle gate, so called, only one half of the amount of toll which they are now authorized to take at said gate.*

Road discontinued.

SECT. 3. *Be it further enacted, That the Circuit Court of Common Pleas, in either of the Counties of Hampden or Berkshire, are hereby authorized to appoint a committee, to lay out the whole of said road, lying partly in each of the said Counties of Hampden and Berkshire: And when said road shall be made and completed, to the acceptance of the Court, who may appoint said locating committee, that part of the old turnpike road, lying between the dwelling house of said Daniel Sherman and the foot of Becket Mountain, shall be discontinued. [Feb. 13, 1819.] Further act—1820 ch. 71.*

Chap. 76.

AN ACT to incorporate the Proprietors of Merchants' Hall, in Boston.

Persons incorporated.

General powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas K. Jones, William Dehon, and Thomas Brewer, all of Boston, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Merchants' Hall; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, doth or may appertain to bodies politic and corporate, within the meaning and intent of this act.*

SECT. 2. *Be it further enacted*, That the said corporation be, and the same hereby is declared and made capable to have, hold and possess, all that certain real estate, situate in said Boston, bounded and described as follows, viz.: Westwardly on Congress street, there measuring thirty-three feet six inches; northwardly on a lane or passage way, there measuring one hundred and twenty feet; eastwardly on land of William Phillips, Esquire, there measuring thirty-four feet seven inches; and southwardly on Water street, there measuring one hundred and twenty-five feet six inches; or however otherwise bounded, together with all the rights, privileges and appurtenances thereof; *provided*, the lawful proprietors thereof shall legally convey the same to the said corporation. And the said corporation shall have power to sell, grant and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and to lease, manage and improve, build, rebuild or alter the same, according to the will and pleasure of said corporation, expressed at any legal meeting by the said associates, or their assigns, or the major part of them.

May hold real estate.

Proviso.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding five hundred in number, as the said corporation may find to be most expedient; and the said shares shall be divided among the several proprietors, according to the interest and portions which they may respectively have in said corporate property; and certificates of such shares shall be signed by the president of the corporation, and issued to the proprietors accordingly, and shall be transferable by assignment on the back thereof; and the property in the same shall vest in the assignee or vendee thereof, when a record of such assignment shall be made by the clerk of the corporation; whereupon new certificates shall issue accordingly; and the shares in said corporation shall, in all respects, and at all times, be held and considered as personal estate.

Corporation Shares.

Shares transferable.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money, as at any legal meeting, held and notified for that purpose, may be deemed necessary, for building, rebuilding and repairing, or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this act. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public auction, after ten days notice in a public newspaper, printed in Boston, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors; and the purchaser of such share or shares shall be entitled to receive a certificate of the share or shares, by him purchased accordingly.

Assessments.

Delinquent shares may be sold.

Liability.

SECT. 5. *Be it further enacted*, That the real estate of said corporation shall be liable for the debts of the corporation, and to attachment and execution, on any judgment against said corporation; and said corporation shall possess the right in equity of redeeming the same, appertaining by the laws of the Commonwealth to other real estate.

First meeting.

Officers to be chosen.

SECT. 6. *Be it further enacted*, That said Thomas K. Jones, William Dehon, and Thomas Brewer, or either of them, may call a meeting of said corporation, by advertisement in a public newspaper printed in Boston, ten days at least before the time of meeting; and the said corporation may, at such, or any other meeting, agree on the mode of calling future meetings, and shall elect a president and clerk, and all such other officers as they may deem necessary for conducting their corporate affairs and estate; and the same may change and remove, as the corporation shall think fit. [Feb. 15, 1819.]

Chap. 77.

An ACT to incorporate the Newburyport Howard Benevolent Society.

Persons incorporated.

General powers.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas M. Clark, John Pearson, Henry Merritt, Richard Bartlett, and Samuel Tenny, together with such others as are, or may hereafter be associated with them, be, and they hereby are incorporated into a society, by the name of the Newburyport Howard Benevolent Society; and by that name, shall be a corporation forever; with power to have a common seal; to make contracts relative to the objects of their institution; to sue and be sued; to establish by-laws and orders for the regulation of the society, and the preservation and application of the funds thereof; to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase, or otherwise; and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution; *provided*, that the said by-laws be not repugnant to the constitution and laws of this Commonwealth; and that the value of the said estate shall not exceed ten thousand dollars; and that the funds of said society shall always be improved and appropriated to the humane purposes of relieving the distresses of the poor, the sick, and the aged.

First meeting.

SECT. 2. *Be it further enacted*, That the time and place of the first meeting of said society, may be appointed by Thomas M. Clark, by his giving notice thereof, in the Newburyport Herald, printed in Newburyport; and at such meeting, the said society may agree upon their mode of calling future meetings, and establish by-laws to regulate said society. [Feb. 15, 1819.]

Chap. 80.

An ACT to incorporate the East Parish in Randolph.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bailey White, Samuel Curtis, Isaac White, Isaac Whitcomb, Asa Belcher, 2d, Isaac Thayer, 2d, Samuel Newcomb, Asa Porter, Nathan Pendergrass, Nathaniel Belcher, Thomas

Belcher, junior, Samuel Pendergrass, Ariel Paine, Daniel Faxon, Asa Reed, Shubael Clark, Nathan Johnson, Ephraim Whitcomb, Rodolphus Porter, Jonathan White, Robert Thayer, John Thayer, Nathaniel Hunt, 2d, Silas Paine, junior, John Porter, Robert Pratt, junior, Nathaniel Belcher, junior, Elisha Beicher, Jonathan Hunt, Abner W. Paine, Simeon Whitcomb, Joseph White, William Linfield, William Madden, Richard Belcher, junior, David White, Elijah Porter, Davis Thayer, Joseph Thayer, Richard Belcher, Timothy Thayer, Elisha Thayer, Asa Belcher, Thomas Belcher, Benjamin Pratt, Silas Paine, Benjamin Paine, junior, Cornelius White, Jacob Clark, John Adams, Jedediah French, Joseph Belcher, junior, Caleb White, Ebenezer Thayer, Jeremiah Belcher, Ephraim Lincoln, Enoch Penniman, Zenas Thayer, Nathaniel Paine, Levi Thayer, David Whitcomb, Simeon White, Thaddeus French, and Sylvanus French, with their polls and estates, together with such persons as may hereafter associate with them, within the town of Randolph, as herein after provided, be, and they are hereby incorporated, and made a body politic and religious society, by the name of the East Parish, in Randolph; and by that name may sue and be sued; and the said corporation is hereby invested with all the powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only; and the said corporation is hereby authorized and empowered to take, purchase, and hold all real and personal estate, necessary and convenient to said corporation, as such religious society.

Powers.

May hold real and personal estate.

SECT. 2. *Be it further enacted*, That all persons who dwell within the town of Randolph, and within one mile of the meeting house, now erected in said East Parish, may become a member of said religious society, on or before the first day of December, in the year of our Lord one thousand eight hundred and nineteen, on applying to the clerk of said society, and depositing with that officer a written declaration of intention to become such member, and delivering to the clerk of the parish or society, in the westwardly part of Randolph, a certified copy of such declaration.

Conditions of joining society.

SECT. 3. *Be it further enacted*, That all persons who shall remove into the town of Randolph, and dwell within one mile of the East Parish meeting house, may, within six months after having so removed into said town, become members of said religious society hereby incorporated, on depositing with the clerk of said society, a written declaration of their assent to become such members.

Right of becoming members.

SECT. 4. *Be it further enacted*, That all the male inhabitants in the town of Randolph, who may hereafter attain to the age of twenty-two years, and who shall actually dwell and have their homes within one mile of said East Parish meeting house, shall be deemed to be, and considered as members of said religious society, unless such male inhabitants shall have deposited with the clerk of said society, a declaration in writ-

Persons deemed members, unless they dissent.

ing, of dissent to being deemed and considered such members.

Taxes to be paid.

SECT. 3. *Be it further enacted*, That the inhabitants of said East Parish shall be holden to pay their proportion of all taxes, which have been already assessed by the town of Randolph, for parochial purposes. [Feb. 15, 1819.]

Chap. 82.

An ACT discharging the Union Turnpike Corporation from their liability to maintain part of said road.

1803 ch. 98.

(V. 3. p. 343.)

1805 ch. 17.

(V. 3. p. 614.)

1808 ch. 30.

1809 ch. 124.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Union Turnpike Corporation be, and they hereby are forever discharged from their liability to repair and maintain all that part of the said turnpike road, laying eastwardly of its intersection with the county road, leading from Groton to Concord, in the County of Middlesex; any thing in their act of incorporation to the contrary notwithstanding. [Feb. 15, 1819.] Further act—1819 ch. 80.

Chap. 83.

An ACT to repeal all laws heretofore made, for regulating the Alewife Fishery, in the towns of Bridgewater and Halifax, in the County of Plymouth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws heretofore made, for regulating the alewife fishery, in the towns of Bridgewater and Halifax, in the County of Plymouth, or either of them, or that require any passage way for said fish, at any mill dam in said towns, or either of them, excepting Pratt's Dam, so called, in Titicut, be, and the same are hereby repealed, so far as they respect either of said towns. [Feb. 15, 1819.]

Chap. 84.

An ACT authorizing the Proprietors of the Upper Locks and Canals on Connecticut River, to reduce the width of the same.

1791 ch. 32.

(V. 1. p. 329.)

Reduction of Locks.

(1791 ch. 32 & 9.)

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Proprietors of the Upper Locks and Canals on Connecticut River be, and they are hereby authorized to support and maintain locks on said canal, of the width of fifteen feet, instead of twenty feet, as required by the act of incorporation.

Tolls.

1804 ch. 98.

(V. 3. p. 528.)

SECT. 2. *Be it further enacted*, That in estimating the toll on shingles, passing said locks and canals, six thousand of shingles shall be deemed and taken to be equivalent to one thousand of boards, and the same toll received therefor. [Feb. 15, 1819.]

Chap. 85.

An ACT to incorporate the Second Parish of Ipswich into a town, by the name of Essex.

New town of Essex.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of the town of Ipswich, in the County of Essex, called the Second Parish, and lying within the boundaries hereinafter mentioned, together with the inhabitants thereof, be, and the same hereby is incorporated into a

town, by the name of Essex, and invested with all the powers, privileges and immunities, and subject to all the duties and requisitions to which towns in this Commonwealth are by law entitled or subjected; the said town of Essex being bounded and described as follows, to wit: Beginning at the north-west-
Boundaries.
 erly corner of William Coggsell's land, at a small stone bridge in the road at the head of Choate's Brook, so called; thence running south-westerly on the boundary of said Second Parish, to Hamilton line; thence running on different courses easterly and southerly, by said Hamilton line till it comes to Manchester line; thence running easterly by said Manchester line, to a heap of stones on Gloucester line; thence by said Gloucester line to the sea; then beginning again at the bound first mentioned, and running down said brook to the creek, so called; thence continuing down said creek to the river; thence down the channel of said river on the north side of Hog Island to the sea.

SECT. 2. *Be it further enacted*, That the said town of Ipswich shall have, hold and enjoy, to their own use and benefit forever, the court house, situate in said town; the powder
Reservations.
 house, with the military stores therein; the grammar school house, with the lands, hereditaments, rents and profits heretofore received and belonging to the said grammar school; and also the farm, with the buildings, stock and utensils, and all other personal property thereon and thereto belonging, lately purchased by said town of Ipswich, for a public poor house.

SECT. 3. *Be it further enacted*, That the said town of Essex shall pay to the Treasurer of the said town of Ipswich, within the term of six months, their proportion of the debts due by and from the said town of Ipswich, and outstanding
Debts to be paid.
 at the passing of this act, in the proportion of thirty-one cents per dollar on the whole amount thereof, which amount shall be ascertained by a committee of three persons from each of the said towns; and in case of their disagreement, then to be ascertained by three referees to be appointed by the Circuit Court of Common Pleas for said County of Essex; and the said town of Ipswich shall pay to or set off with the said town of Essex, the sum of twenty-two hundred and seventy dollars.

SECT. 4. *Be it further enacted*, That the said towns of Ipswich and Essex, shall respectively support and maintain all such persons as now are, or hereafter may be inhabitants of the said towns respectively, or who were born in, or have a derivative settlement through any person born in, or deriving a settlement from any ancestor, and are or may become chargeable as paupers, according to the laws of this Commonwealth, and who have not gained a settlement elsewhere.
Support of paupers.

SECT. 5. *Be it further enacted*, That all taxes assessed, and not collected at the time of the passing of this act, shall be collected in the same manner, and paid to the treasurer of the town of Ipswich, as if the separation of the said towns had not taken place.
Taxes provided for.

Compromise.

SECT. 6. *Be it further enacted*, That the agreement between the said town of Ipswich, and the said Second Parish, made on the twenty-first day of December, in the year of our Lord one thousand seven hundred and fifteen, be, and remain as before the separation, and unaffected hereby in any respect whatever.

First meeting.

SECT. 7. *Be it further enacted*, That any Justice of the Peace for the said County of Essex, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Essex, requiring him to warn the inhabitants thereof, to meet at such time and place as may be appointed in said warrant, for the choice of all such town officers as towns are by law required to choose at their annual meetings. [Feb. 15, 1819.]

Chap. 86.

An ACT to incorporate the Second Congregational Society in the First Parish in Springfield.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Jonathan Dwight, Bezaleel Howard, Samuel Orne, James S. Dwight, Jonathan Dwight, junior, Joshua Frost, Daniel Lombard, Festus Stebbins, James Wells, Robert Emery, Benjamin Day, John Howard, Eldad Stebbins, Samuel Benton, Daniel M. Leonard, Ira Mede, Austin Peck, Henry Benjamin, Joseph M. Sanborn, Samuel Kingsbury, Samuel Lyman, Charles Rice, Judah Ely, Ezra Osborn, junior, Simon Sanborn, Daniel Pease, John Rice, Jonathan Strickland, Solomon M. Quivey, Seneca Cooley, John M. Hendrick, Elisha Collins, Henry Dwight, Nathaniel S. Jenks, Daniel Farmer, Joel Fuller, Joel Davis, Daniel Swetland, Oran Eaton, Elam Sikes, Wells Lathrop, Charles Howard, William Rice, Walter Stebbins, Prentiss Pond, Ariel Cooley, Edmund Allen, Lemuel Stebbins, Lemuel Charter, Daniel Hartung, junior, John Crooks, Joel Allen, Edward Parsons, Thomas Bates, Joseph Hopkins, John Stebbins, Apollos Marsh, Silas W. Searles, Henry Stearns, Aaron I. Miller, John Hall, Israel Hosfield, Lemuel G. Robbins, David Barber, Zenas Hancock, Lyman Cutler, Wait Dart, Josiah Bliss, Joseph Bangs, Simeon Prior, Amos Rice, Elizabeth Sheldon, Asabel Goodrich, Hannah Dwight, Levi Pinney, Jacob Cooley, Elias Ensign, Ezekiel Keith, Julius Dart, Solomon Woodward, Harvey Bates, James Melvin, James Melvin, junior, Daniel Ashley, George Cooley, junior, David Newcomb, Joseph Stephens, William Butler, Daniel Austin, junior, Daniel Field, Samuel Dale, Eliakim Benton, Solomon McQuivey, Isaac White, Allen Bangs, Ruel Horton, Samuel M. Morgan, Daniel Chapin, Ira Daniels, Epaphras Buckland, Anson Snow, Jason Eddy, Paul G. Simons, Horace King, Benjamin Jenks, Joseph Buckland, Zebulon W. Slafter, Noah Paulk, Amos Jenks, Asa Talcot, Charles Russell, Ephraim Corning, Washington Jenks, and Jonathan Benton, and their associates, with their families, polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Second Congregational Society in the First Parish in Springfield, with all the powers.

privileges, and immunities, to which parishes are entitled by the constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold real and personal estate, the annual income of which, shall not exceed the sum of two thousand dollars, for the purpose of supporting public worship therein; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of their society, and the management of their ministerial funds; *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

May hold real and personal estate.

Rules and regulations.

SECT. 2. *Be it further enacted*, That any person who may hereafter be desirous of joining the said Second Congregational Society, and shall certify the same to the Clerk of the said town, which certificate shall be recorded by the said Clerk, shall thereafter, with his or her polls and estate, become a member of said Second Congregational Society; *provided*, that such person shall pay to the parish or society, which he may leave as aforesaid, his or her proportion of all parish or society taxes assessed, and not paid at the time of filing such certificate with the Town Clerk as aforesaid.

Membership.

Proviso.

SECT. 3. *Be it further enacted*, That any member of the said Second Congregational Society, who may at any time hereafter be desirous of leaving the said society, and joining any other parish or religious society in said town, and shall certify the same to the Town Clerk of said town, which certificate shall be recorded by said Clerk, shall thereafter, with his or her polls and estate, become a member of such other parish or religious society: *Provided, however*, that such person shall be held to pay to said Second Congregational Society, his or her proportion of all society taxes assessed, and not paid at the time of filing said certificate with the Town Clerk as aforesaid.

Conditions of secession.

SECT. 4. *Be it further enacted*, That every member of said Second Congregational Society, who has subscribed fifty dollars for the use of said society, or shall become a proprietor in any pew in such meeting house as shall be built for the use of said society, to the value of fifty dollars, shall be entitled to vote in all meetings of said society, for the management of their concerns.

Privileges.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the County of Hampden be, and he is hereby empowered, on application therefor, to issue his warrant to some member of said Second Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual meetings, and to transact such other parochial business as may be authorized by said warrant.

First meeting.

[Feb. 15, 1819.] Add. act—1819 ch. 82.

Chap 87.
1817 ch. 92.

An ACT to repeal the eighth section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the Suffolk Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the eighth section of an act, entitled, "An Act to incorporate the President, Directors and Company of the Suffolk Bank," passed the tenth day of February last, be, and the same is hereby repealed. [Feb. 16, 1819.]

Chap. 89.

An ACT incorporating the Pittsfield Mutual Fire Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Josiah Bissell, Henry H. Childs, Phinehas Allen, Henry C. Brown, Solomon Warriner, Ezekiel R. Colt, Moses Warner, Jason Clapp, Simeon Brown, Jonathan Allen, 2d, Thomas B. Strong, Calvin Martin, William C. Jarvis, and their associates, shall be a corporation, together with all other persons within the County of Berkshire, who may become members thereof, under the name of the Pittsfield Mutual Fire Insurance Company, and enjoy all the privileges and powers incident to corporations.*

Persons incor-
porated.

SECT. 2. *Be it further enacted, That for the well ordering and governing said corporation, they shall, at a meeting of the said company, to be held annually, on the first Wednesday of October, choose five Directors, and such other officers as may be deemed necessary for the management of said corporation; and any three of the Directors are to constitute a quorum for the transaction of business.*

Annual elec-
tion of Direc-
tors.

SECT. 3. *Be it further enacted, That the said company are authorized to insure against loss or damage by fire, originating from any cause, excepting design in the insured, any dwelling house or other building, with their contents, within the County of Berkshire, for any term not less than one nor more than seven years, and to any amount not exceeding four fifths of the value of the property insured. And if any member shall sustain damage by fire, in property insured by the company, the sum which the insured may have a right to claim, shall be assessed, by the Directors, upon each member of the company, in proportion to the sum by each member insured, or made liable to contribute to losses.*

Limitation.

SECT. 4. *Be it further enacted, That every person shall be deemed and held to be a member of this corporation, who has an interest in any property insured by said person with the company; but his or her rights are to cease, whenever said member parts with his or her legal or equitable interests in the property insured; and his or her liabilities are to be at an end, whenever said member notifies, in writing, the Directors, that he or she has no longer any interests in the property insured by the company: Provided however, that the rights and liabilities of every member are to devolve on said member's heirs, executors and administrators.*

Membership.

Proviso.

SECT. 5. *Be it further enacted, That whenever any loss by fire, shall happen to a member, upon any property, insured by*

the company, said member is to give notice thereof to the Directors, or any one of them, within forty eight hours after the same happens; and the Directors are immediately to view the same, and determine, in writing, under their hands, the extent of the company's liabilities. And if the sufferer will not acquiesce in their determination, he or she may bring an action at law, against the said company, at the first Court competent to try the same, sitting within the County of Berkshire; and if said sufferer does not recover more than the amount determined upon by the Directors as aforesaid, said member is to become nonsuit, and the company is to recover their costs. *Provided*, the said judgment shall not bar the said sufferer from claiming the amount determined to be due him by the Directors as aforesaid, within thirty days from the said non-suit. But in case the said member suffering, shall recover more than the amount determined by the Directors as aforesaid, judgment shall be entered up in his favour, for the whole sum found by the verdict, with interest at the rate of twelve per centum per annum, added thereto, with full costs; but execution shall never issue against the said company.

Notification of losses.

Proviso.

SECT. 6. *Be it further enacted*, That whenever any member shall have a claim upon the several members of the company, in case of any loss or judgment as aforesaid, the Directors shall assess the amount of such loss or judgment, together with a reasonable compensation for themselves and other officers of the company, upon each and every member thereof, according to their respective liabilities; requiring each member to pay his or her proportion of the loss or judgment, as assessed upon them, with interest on demand, to the person who has a claim as aforesaid, or to his or her agent or attorney. And such bill of assessment, being signed by a major part of the Directors, and countersigned by the Secretary, and delivered to the claimant within twenty days after his or her claim shall be liquidated, either by agreement of parties or judgment of Court, shall operate a complete discharge of the company, as such, and a release of any judgment which the claimant may have against it: *Provided*, that the claimant first pay the charges of making up the assessment, and discharge the company from any claim or judgment he or she may have against it.

Directors to assess damages.

Proviso.

SECT. 7. *Be it further enacted*, That in case the Directors, whose duty it may be, shall neglect to tender a bill of assessment in the cases contemplated by the foregoing section, in manner therein prescribed; or in case the Directors neglect to determine the loss of any party claiming, any party aggrieved thereby, may, at any time within one year from the time of such neglect of the Directors, bring an action against such negligent Directors, or sue a writ of scire facias against them, upon the judgment which said party may have against the company, and have judgment and execution against said negligent Directors, in their individual capacity. And in this case, said negligent Directors shall be entitled to demand and have of the Directors for the time being, within thirty days after

Directors may be prosecuted for neglect of duty.

judgment against them as aforesaid, a bill of assessment in their favor, and for their reimbursement, in form prescribed by this act; but neither the costs of the judgment or execution, shall be assessed for them.

Liability to assessment.

SECT. 8. *Be it further enacted*, That every bill of assessment, authenticated in manner herein prescribed, shall confer upon the party in whose favor it shall be made, and the heirs, executors and administrators of such party, authority, in their own names, to collect, sue for and discharge every and each person made liable thereby: *Provided however*, that no action shall be commenced against any person whatever, until sixty days after demand made, in virtue of said bill of assessment.

Proviso.

Amount of risks.

SECT. 9. *Be it further enacted*, That the Directors are to determine the nature and hazard of all risks; and all those which may be deemed more hazardous than ordinary, are to contribute to losses upon a larger sum than that at which they are actually insured; and the sum upon which the insured is to contribute, is to be distinguished in the policy, from the sum on which insurance is made.

Forfeitures.

SECT. 10. *Be it further enacted*, That if any member of this company shall insure any property, insured by this corporation, with any other individual or insurance company, without the consent of the Directors of this company, such member shall forfeit his or her insurance in this corporation, but is not exonerated from the liability to contribute to losses.

First meeting.

SECT. 11. *Be it further enacted*, That any two of the aforementioned associates may, as soon as they deem proper, call a meeting of the said corporation, to be held at such time and place as they may judge proper, by a notification printed in the Pittsfield Sun, seven days previous to the time of holding such meeting, in order that said corporation may organize themselves, make suitable by-laws, and proceed in the business of the association. [Feb. 16, 1819.]

Chap. 90.

An ACT to incorporate the Proprietors of Suffolk Wharf, in the town of Boston.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Welles, William Payne, Edmund Munroe, Otis Clap, and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the Suffolk Wharf; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, shall appertain to bodies politic.

General powers.

Boundaries.

SECT. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold and possess certain real estate situate in said Boston, bounded and described

as follows, to wit: beginning at the westerly corner of the red store which was formerly occupied by Thomas Lewis, as his counting room, and thence running northerly by the end of said store, and across the passage way, which leads from Fish Street, down Lewis' Wharf, so called, forty feet, to land late of Daniel Barker, deceased; thence running south-easterly, by said Barker's land, as the buildings stand, about one hundred and fifty feet, to the head of the dock, at the end of said Barker's land and wharf; thence running north-easterly, by the head of said dock, and by said Barker's land, twenty-two feet; thence running south-easterly again, by the flats and wharf of the heirs or assigns of the late John Hancock, Esquire, out to low water mark, or the channel; thence bounded south-westerly, by a line parallel to said Lewis' Long Wharf, and eighty feet distant therefrom, and bounding on flats, owned by the proprietors of Exchange Wharf, until it reaches said Exchange Wharf; thence running more northerly, and bounding on said wharf, until it comes to the capstone of Lewis' Short Wharf, so called; and thence running through said Short Wharf, about one hundred and forty feet, to the first mentioned bounds; together with all the wharves, docks, rights of ways, buildings, privileges, and appurtenances thereof; *provided*, the lawful proprietors thereof, shall legally convey the same to said corporation. And the said corporation shall have power to sell, grant and alien, in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained, shall be construed into any grant or confirmation of title to land, in the said associates, or corporation; or into any authority to extend the dimensions of said wharf beyond the title and authority which the present proprietors thereof, now have and possess, in this behalf.

Corporation
may sell pro-
perty.

Proviso.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding two hundred in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors, according to the interest and portions which they respectively may have in the said corporate property; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly; and the shares in said corporation shall be transferable, by endorsement on the back of said certificates; and the property in said shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof, by the Clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall, in all respects, be considered as personal estate.

Shares.

Shares trans-
ferable.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding or repairing any buildings whatever, or other property of said corpora-

Assessments.

tion, or necessary for the building of any new wharves or tenements within the aforesaid limits, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

SECT. 5. *Be it further enacted*, That the corporate property, which the said corporation shall have and hold, at one time, in virtue of this act, shall not exceed in value the sum of two hundred thousand dollars; and in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *Provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate property; *and provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds, at least, in number and value, of those present, or represented at such meeting; nor unless public notice shall have been given, at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting by proxy, in writing.

SECT. 6. *Be it further enacted*, That either of them, the said Welles, Payne, Munroe, or Clap, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such or any other meeting, agree on the mode of calling future meetings, and shall elect a President and Clerk, and may elect all such other officers, as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as the said corporation shall see fit. [Feb. 17, 1819.]

Chap. 92.

An ACT to authorize the sale of certain Lands of the Proprietors of the Meeting House of the First Religious Society, in Newburyport.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nicholas Johnson, junior, Eleazer Johnson, and John R. Hudson, be, and they hereby are authorized and empowered to sell and convey all and singular the real estate owned by the proprietors of the meeting house of the first religious society in Newburyport, which is situated in Common Pasture, so called, and in said town of Newburyport; and to make, execute, and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds of conveyance of the same.

Delinquent
shares may be
sold.

Privilege of
voting.

Proviso.

Public notice
to be given.

Meeting for
choice of offi-
cers.

May sell real
estate.

SECT. 2. *Be it further enacted*, That all monies arising from the sale aforesaid, shall be placed on interest, on such security as shall be deemed by their committee, for the time being, to be most safe and certain. [Feb. 17, 1819.]

An ACT to incorporate William Ingalls, and others, into a Society, by the name of a Republican Institution, in the town of Boston. Chap. 94.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Ingalls, Ebenezer Clough, Joseph N. Howe, Abraham H. Quincy, Peter P. F. Degrand, Jonathan Simonds, Daniel Adams, Robert H. Thayer, Thomas Badger, Thaddeus Page, Davis C. Ballard, Rolun Hartshorn, and William Gale, together with all others, who now are, or hereafter may be associated with them, be, and they are hereby constituted a body politic and corporate forever, for the purpose of procuring a building, and keeping it in repair, with suitable apartments for a reading room, library, and the meeting of the said society, by the name of a Republican Institution, in the town of Boston; and by that name, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all actions, real, personal and mixed; and the said corporation shall have full power to make, have and use a common seal, and the same to break, alter and renew, at pleasure; and shall have, exercise and enjoy, all the powers and privileges incident and usually granted to other corporations, of a like nature and purpose.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same is hereby made capable in law, of having and holding, by gift, grant, devise, or otherwise, any estate, real or personal; *provided*, the same shall not exceed the annual income of five thousand dollars. And the said corporation may, annually, or at any special meeting, called for the purpose, make, establish, and put in execution, such by-laws, rules and regulations, as to calling future meetings, the election of officers, and the admission of members, as they may judge to be necessary and expedient; *provided*, that such by-laws, rules and regulations, shall not, in any case, be contrary to the constitution and laws of this Commonwealth.

May hold real estate.

Proviso.

Rules and regulations.

SECT. 3. *Be it further enacted*, That any three of the persons named in this Act, be, and they are hereby empowered, by advertisement in any one or more newspapers, printed in Boston, to call a meeting of the members of the said institution, to be holden at such convenient time and place as shall be appointed in said advertisement, to organize the said institution, by the election and appointment of its officers. [Feb. 18, 1819.]

First meeting.

An ACT to set off Elijah Hewins and Norman Lester, from Great Barrington to Alford. Chap. 95.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Hewins and Norman Lester, with their families and estates, be, and they are hereby set off from the town of Great Barrington, and annexed to the town of Alford, in the

Persons set off.

Taxes to be paid.

county of Berkshire; and shall hereafter be a part of the same, as fully and completely, as if it had been originally a part of said Alford: *Provided however*, that the said Hewins and Lester shall be holden to pay to the said town of Great Barrington, their proportion of all state, county, town, parish, and school taxes, assessed and not paid, prior to the passing of this Act.

Boundaries.

SECT. 2. *Be it further enacted*, That the easterly line of Alford, by the addition of the lands aforesaid, shall be ascertained and determined to commence at the old western town line, on the south side of lot number seventeen, and thence running easterly by and with the south line of said lot number seventeen, and adjoining the highway there, until it intersects the range of the easternmost line, running between Alford and Great Barrington, containing about one hundred and four acres. [*Feb. 18, 1819.*]

Chap. 99.

An ACT to change the Names of certain Persons, therein mentioned.

Names changed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Bartlett, 3d, of Plymouth, shall be allowed to take the name of Joseph Henry Bartlett; that Nathaniel Bishop, junior, of Winthrop, shall be allowed to take the name of Nathaniel Cony Bishop; that John Brewer, of Framingham, shall be allowed to take the name of John Maitland Brewer; that Abigail Brooks, wife of John Brooks, of Boston, shall be allowed to take the name of Mary Abigail Brooks; that Mary Hart Bull, daughter of James Bull, of Northampton, shall be allowed to take the name of Elizabeth Miller Hart Bull; that Charles Forbes, of Northampton, shall be allowed to take the name of Charles E. Forbes; that George Carey, of Chelsea, shall be allowed to take the name of George Blankern Carey; that Charles Dexter, of Boston, son of Aaron Dexter, shall be allowed to take the name of Charles Parker Dexter; that Susanna Lewis Nickolson Delano, daughter of Mercy Delano, of Boston, shall be allowed to take the name of Mary Elizabeth Nickolson; that Edward Gannet, of Salem, shall be allowed to take the name of Edward Farley; that Samuel Gooch, of Boston, shall be allowed to take the name of Samuel Davenport Gooch; that Susan Elizabeth Green, daughter of Andrew Green, of Boston, shall be allowed to take the name of Elizabeth Heath Green; that Charles Hayward, son of Caleb Hayward, of Boston, shall be allowed to take the name of Charles Rice Hayward; that Stephen Little, junior, of Newbury, shall be allowed to take the name of Stephen William Little; that Lewis Robinson Paige, son of Timothy Paige, of Hardwick, shall be allowed to take the name of Lucius Robinson Paige; that William Paige, of Boston, shall be allowed to take the name of James William Paige; that Samuel Parker, son of Samuel Lillie Parker, of Boston, shall be allowed to take the name of Lucius Champlin Parker; that Joseph Peabody, 3d, of Salem, shall be allowed to take the name of Joseph William Peabody; that John Proctor, of Danvers, shall be allowed to take

the name of John W. Proctor; that Peter Smith, of Boston, shall be allowed to take the name of Francis Peter Smith; that Joel Thayer, of Boston, shall be allowed to take the name of Joel Frederick Thayer; that Sarah Atherton Thayer, daughter of Stephen Thayer, of Boston, shall be allowed to take the name of Sarah Jackson Thayer; that Joseph Henry Jackson Thayer, son of the said Stephen Thayer, shall be allowed to take the name of Joseph Henry Jackson; that John Glover Teague, of Boston, shall be allowed to take the name of John Glover; that Charles Torrey, of Scituate, shall be allowed to take the name of Charles Turner Torrey; that Stephen Twist, of Danvers, shall be allowed to take the name of George T. Cook; that Jesse Walcutt, a native of Bolton, now resident in Cambridge, shall be allowed to take the name of Samuel Baker Walcutt; that Samuel Watson, 2d, of Leicester, shall be allowed to take the name of Samuel Dexter Watson; that Caleb Winship, of Boston, son of Abiel Winship, shall be allowed to take the name of Charles Shepard Winship; that Isaac Van Deuson, 3d, of Great Barrington, shall be allowed to take the name of Isaac Laird Van Deuson; and the said several persons shall hereafter be called and known by the names which, by this Act, they are severally and respectively allowed to take as aforesaid; and the same shall be considered as their only proper and legal names. [Feb. 18, 1819.]

An Act to incorporate the Town of Parsons.

Chap. 103.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of the town of Newbury, in the county of Essex, which lies within the following boundaries, to wit: Beginning on the river Merrimack, where the river Artichoke empties into the same, and thence running up the said river Artichoke, and through the middle thereof, about five hundred and seventy-seven rods, and twenty-two links, to the New Log, so called; thence running south, twenty-five degrees east, about three hundred and sixty rods, to the boundary line between the first and fourth parishes in said town of Newbury; thence running south, fifty-two and an half degrees west, by the said parish line, to the southerly side of the road leading from Newburyport to the west parish of Rowley; thence running on the southerly side of said road to Great Rock, so called; and thence by the southerly side of said road to Johnson's Corner, five hundred and twenty-eight rods and two links; thence running by the boundary line of the third parish of Newbury, three hundred and eighty-five rods and twenty-four links, to the boundary line of the town of Bradford; thence, by said Bradford line, to the said river Merrimack; thence down said river Merrimack to the bound first mentioned; be, and the said part of said town of Newbury hereby is incorporated into a town, by the name of Parsons, and invested with all the powers, privileges and immunities, and subject to all the duties and liabilities, to which other incorporated towns are subject, by the constitution and laws of this Commonwealth.

Boundaries.

(Name altered
1820 ch. 7.)

Taxes provided for.

SECT. 2. *Be it further enacted*, That the said town of Parsons shall be holden to pay one third part of all taxes, which have been heretofore assessed by said town of Newbury, and remain unpaid at the time of the passing of this Act, and also the like proportion of all debts due and owing by said town of Newbury.

Paupers to be provided for.

SECT. 3. *Be it further enacted*, That the said towns of Parsons and Newbury shall respectively support and maintain the several persons and their families, and all such as shall have a derivative settlement under them, or any of them, who are now chargeable, and mentioned as allotted to said towns respectively, in a certain schedule thereof, entitled a statement of the expense of the poor of the town of Newbury, agreed to on the eleventh day of February, in the year of our Lord one thousand eight hundred and nineteen, and signed by the committee of the said town of Newbury of the one part, and by the committee of divers inhabitants of the second and third parishes of said Newbury, being petitioners for the incorporation of said Parsons, of the other part; and all other persons, who shall hereafter be found chargeable to said towns, shall be supported and maintained by them respectively, according to the general laws in this behalf: *Provided always*, that nothing in this Act shall be construed to affect any agreement heretofore made between the towns of Newbury and Newburyport, respecting the support of paupers; but the said town of Parsons shall contribute its just proportion of all sums of money, which said Newbury shall pay by force of such agreement; said proportion to be ascertained by the state valuations from time to time made of the said towns of Parsons and Newbury.

Proviso.

Remuneration of rights.

SECT. 4. *Be it further enacted*, That the inhabitants of the said town of Newbury shall have, hold and enjoy, to their own use and benefit forever, all the real and personal estate belonging to the said town, at the time of the passing of this Act, excepting any real estate which may fall within the limits of the town hereby incorporated; and the said town of Parsons shall pay to the said town of Newbury the sum of four thousand one hundred dollars, within twelve months from the period last aforesaid.

Highways.

SECT. 5. *Be it further enacted*, That the said town of Parsons shall contribute its just proportion, to be ascertained as in the third section of this Act, of the expense of making a certain highway, lately laid out in said Newbury, and known by the name of Noyes' Road, whenever the said town of Newbury shall be compelled to make the same.

First meeting.

SECT. 6. *Be it further enacted*, That any Justice of the Peace of said county of Essex, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Parsons, requiring him to warn the inhabitants thereof, to meet at the time and place therein appointed, for the purpose of choosing such town officers, as towns are by law required to choose at their annual meetings. [Feb. 18, 1819.] Add. act—1820 ch. 7.

An ACT in addition to an Act, authorizing a Lottery, for the purpose of rebuilding Springfield Bridge.

Chap. 107.
1815 ch. 7.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the managers of Springfield Bridge Lottery be, and they are hereby authorized to prosecute the drawing of said lottery, under the provisions and restrictions of the Act regulating the management and drawing of lotteries, in certain cases, within this Commonwealth, until they shall have raised the sum authorized by the Act, passed on the thirteenth day of June, in the year of our Lord one thousand eight hundred and fifteen, entitled "An Act authorizing a lottery, for the purpose of rebuilding Springfield Bridge."

Sums to be raised.

SECT. 2. *Be it further enacted,* That after the said managers shall have completed the grant, authorized by the Act to which this is in addition, they are hereby authorized to draw one class, by which they may raise, for the benefit of said corporation, a sum not exceeding ten thousand dollars; *provided,* that said corporation shall give bond to the Commonwealth, in the sum of ten thousand dollars, conditioned to rebuild said bridge within one year from the first day of June next.

Conditional privileges.

SECT. 3. *Be it further enacted,* That this Act shall continue and be in force for the term of two years, from and after the thirteenth day of June next, and no longer. [Feb. 18, 1819.]

Limitation.

An ACT to prevent the destruction of the Fish, called Tom Cod and Smelts, in Charles River, and to regulate the manner of taking the same.

Chap. 109.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, if any person or persons shall place or set any seine or net, or set up, erect, or place any obstruction or incumbrance, whatsoever, (mill dams excepted) in or across Charles river, whereby the free passing of the fish up and down said river shall be straightened, obstructed or stopped, they shall severally forfeit and pay the sum of fifty dollars, for each and every offence; one half of which, shall be to the use of him or them that shall prosecute or sue therefor, and the other half to the use of the town or towns, within whose limits the offence is committed; or any town may sue in the name of its inhabitants, and in that case, the whole penalty shall be to the use of the town thus suing.

Penalties.

SECT. 2. *Be it further enacted,* That if any person or persons, shall draw or use any seine or net, of a greater length than fifty feet, or shall make use of more than one net or seine, at the same time, to take any of the fish, called tom cod and smelts, within said river, or shall draw any such seine or net, on any other of the days of the week than Monday, Wednesday and Friday, they shall severally forfeit and pay the sum of forty dollars, for each and every offence, to the use as aforesaid; and all other forfeitures, incurred by any breach of this Act, may be recovered by an action on the case, before any court proper to try the same: *Provided,* that nothing contained in this Act, shall be construed to subject any person or persons, to any of the penalties aforesaid, by reason of their happening

Regulation of fishery.

to take any of the said fish, called tom cod and smelts, when they shall rightfully draw or use a seine or net, the meshes of which are not less than one inch square, for the purpose of taking shad and alewives, in the usual and proper season of taking those fish. [Feb. 19, 1819.]

Chap. 111.

An ACT to incorporate the Boston Fire Insurance Company.

Persons incor-
porated.

General pow-
ers.

Proviso.

Capital stock.

Directors.

Annual elec-
tion of officers.

Votes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Goddard, Josiah Marshall, William Ray, William B. Swett, and Joseph Balch, their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Boston Fire Insurance Company, for and during the term of twenty years after the passing of this Act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company; provided, they shall not hold real estate, exceeding the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts, due to said company.*

SECT. 2. *Be it further enacted, That the capital stock of said company, shall be one hundred and fifty thousand dollars, divided into three thousand shares, of fifty dollars each, fifty per centum of which shall be paid within sixty days after the first meeting of said company, and the residue in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.*

SECT. 3. *Be it further enacted, That the stock, property, affairs and concerns of said company, shall be managed and conducted by thirteen directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually, on the second Tuesday of January, at such time of the day, and in such place, in the town of Boston, as a majority of the directors, for the time being, shall appoint; of which election, public notice shall be given, in at least two of the newspapers, printed in said town, for the space of ten days immediately preceding such election. And the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; provided, no stockholder shall be allowed more than ten votes; and the stockholders, not present, may vote by proxy, under such regulations as the company shall prescribe; and if, through any accident, the directors should not be chosen as aforesaid, it shall be lawful to choose them in manner aforesaid, on any other day.*

SECT. 4. *Be it further enacted, That the Directors so chosen, shall meet as soon as may be, after every election, and shall choose, out of their number, one person to be President, who shall be sworn faithfully to discharge the duties of his office,*

during the period for which he is elected; and in case of the death, resignation, or inability to serve, of the President, or any director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election, to be notified and held as is herein before directed, in the case of annual elections.

Vacancies to
be filled.

SECT. 5. *Be it further enacted,* That the President and six of the directors, or seven of the directors, in the absence of the president, shall be a board, competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein; and the powers, duties and conduct of the several officers, clerks and servants, employed in the service of the company, and the election of Directors, and the making of policies, and all such matters as appertain to the business of insurance; *provided*, such by-laws, rules and regulations, be not repugnant to the laws or constitution of the United States, or this Commonwealth. And they shall also have power to appoint a treasurer, secretary, and so many clerks and servants, as shall be needful, with such compensation to them severally, and to the president, as to them shall seem fit; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings within this Commonwealth, against damage to the same by fire, originating in any cause, except design in the assured, for such time, and on such conditions, as the parties may agree; *provided*, that the said company shall not insure, on any one risk, more than ten per centum on the amount of the capital stock paid in; and all policies of insurance, by them made, shall be subscribed by the president, or two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, and have the like effect and force, as if under the seal of said company; and all losses, duly arising under policies so subscribed, may be adjusted and settled by the president and board of directors, or such agent as they shall authorize; and such adjustment shall be binding on said company.

Officers, and
their duties.

Proviso.

Compensation
to Officers.

Amount of
risks.

SECT. 6. *Be it further enacted,* That the said company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever, but may, in the discretion of a majority of the directors, sell any portion of the property in which the capital stock may be invested, and reinvest the proceeds in any of the stock mentioned in the second section of this act; and the capital stock shall, within six months after the collection thereof, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the bank of the United States, or of some incorporated bank within this Common-

Shall not trade
in goods.

wealth, in either or all of them, and in such proportions as may be judged most for the interest of said company.

Statement of profits.

SECT. 7. *Be it further enacted*, That once in three years, and oftener, if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends. And the said company shall, when and as often as required by the Legislature of this Commonwealth, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same, under oath.

Personal accountability of proprietors.

SECT. 8. *Be it further enacted*, That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said company, and the president or directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estates, jointly and severally shall be accountable for the amount of any and every loss which shall take place, under policies thus subscribed; and the said president and directors shall cause to be printed or written, on every policy they shall make, the amount of the capital stock, and the largest sum they take on a risk.

Dividends.

SEC. 9. *Be it further enacted*, That it shall be the duty of the directors, on the third Tuesday of April and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of the said company, as to them shall appear adviseable; but the monies received, and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as parts of the profits of said company; and in case of any loss, whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

First meeting.

SECT. 10. *Be it further enacted*, That any three of the persons named in the first section of this Act, are hereby authorized to call a meeting of the said company, in Boston, by advertising the same, for one week, in two of the papers printed in said town, for the purpose of electing the first board of directors, who shall hold their offices until another board shall be chosen. [Feb. 19, 1819.]

Chap. 1.

AN ACT to annex Daniel Kimball and George Griffin, to the East Parish in Bradford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Kimball and George Griffin, with their polls and estates, excepting such part of their real estates, as lies north and west of Woodman's Line, (so called,) be, and they are hereby set off from the west parish in Bradford, and annexed to the east parish in said town; and they shall there do the duties, and exercise and enjoy the parochial rights and privileges

of the said east parish: *Provided, however,* that the said Daniel Kimball and George Griffin shall be holden to pay all taxes, legally assessed upon them, respectively, by the west parish in Bradford, aforesaid, before the passing of this Act. [June 10, 1819.]

An ACT to establish the Agricultural Society, in the County of Plymouth.

Chap. 2.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Howard, Morrill Allen, William Davis, Kilborn Whitman, Bartholomew Brown, Benjamin Barker, Sylvanus Lazell, Abiel Washburn, William Bourn, Charles Turner, Nathan Mitchell, Jonathan Copeland, Isaac Winslow, John Thomas, Alden Briggs, Jared Whitman, Nathan Gurney, and their associates, with such others as may hereafter associate with them, and their successors, be, and they hereby are made a corporation, by the name of the Agricultural Society in the County of Plymouth; and by that name may sue and be sued, plead and be impleaded, have a common seal, and the same alter at pleasure; and are hereby vested with all the powers and privileges, and subject to all the duties and restrictions of other Agricultural Societies in this Commonwealth. And said corporation may ordain and appoint such rules and regulations, and choose all such officers, as the well ordering of said society may at all times require; *provided,* such rules and regulations are not inconsistent with the constitution and laws of this Commonwealth. And said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income of which, shall not exceed five thousand dollars; and shall have power to sell and convey the same at pleasure, not using the same in trade or commerce.

Persons incorporated.

Powers and privileges.

Proviso.

SECT. 2. *Be it further enacted,* That Daniel Howard, Esquire, of Bridgewater, in said county, be, and he hereby is authorized to call the first meeting of said society, under this Act, by publishing the time and place of meeting, in the Columbian Centinel, fifteen days at least, before the time of meeting. [June 11, 1819.]

First meeting.

An ACT to establish St. Paul's Church, in Hopkinton.

Chap. 3.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Walter McFarland, Samuel Valentine, John Erving, John McFarland, Abner Prentice, Samuel Valentine, junior, Leonard Walker, Josiah Bigelow, Gilbert D. Wilson, and Ezekiel Guy, and such as may hereafter associate with them, with their polls and estates, according to law, be, and they hereby are incorporated into a religious society, by the name of St. Paul's Church, in Hopkinton, with all the privileges, powers and immunities, to which religious societies are entitled, by law and the constitution.

Persons incorporated.

SECT. 2. *Be it further enacted,* That Elisha Fairbanks, Esquire, be, and he hereby is authorized to issue his warrant,

Meeting for
choice of offi-
cers.

directed to some principal member of said society, requiring him to warn the members of said society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Hopkinton, to choose such officers, as parishes are by law, required to choose, in the month of March or April, annually; and to transact all matters and things necessary to be done in said society. [June 11, 1819.]

Chap. 4.
1789 ch. 51.
(V. 1 p. 272.)
1811 ch. 175.

An ACT in further addition to the several Acts for regulating the Fishery in Merrimack River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day in July, in each and every year, the penalties contained in the several acts, heretofore passed, for regulating the fishery in Merrimack river, shall not extend to, or be in force against any person, drawing a net or seine, for the purpose of taking the fish, called Menhaden, or any other sea or salt water fish, any where below Essex Merrimack bridge; any thing in the several acts before mentioned, to the contrary notwithstanding. [June 11, 1819.] See acts—1819 ch. 20: 1820 ch. 22. 70: 1822 ch. 75.

Restriction of
penalties.

Chap. 8.

An ACT to continue in force, the Acts incorporating the Salem Marine Insurance Company.

1800 ch. 2.
(V. 2. p. 382.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "An Act to incorporate George Dodge and others, into a company, by the name of the Salem Marine Insurance Company," passed on the ninth day of June, in the year of our Lord one thousand eight hundred, and also an Act in addition thereto, passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and five, with all the powers and privileges granted by the said acts, shall be, and remain in force for the term of twenty years, from the ninth day of June, one thousand eight hundred and twenty: Provided, however, that the capital stock of the said company, shall continue to be two hundred thousand dollars; and that the said company shall not be allowed to insure, on any one risk, a greater amount than twenty thousand dollars. [June 11, 1819.]

Perpetuation
of act.
1804 ch. 55.

(V. 3. p. 493.)

Proviso.

Chap. 9.
1809 ch. 14.
1810 ch. 18.
1811 ch. 2.
1813 ch. 8.
1817 ch. 24.
Extension of
time.

An ACT in addition to an Act, entitled "An Act, to incorporate Isaac Story and others, by the name of the Marblehead Social Insurance Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of five years, from and after the seventeenth day of July next, be allowed to the stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the sum of one hundred thousand dollars, the capital stock of said company; and that the said residue shall be paid in such proportions, and at such periods, within the time mentioned, as the directors of said company, for the time being, shall order and appoint, any thing in the act, to which this is

in addition, or in the act of incorporation, to the contrary notwithstanding: *Provided however*, that nothing, in this Act shall be construed to exonerate or discharge the estates of the stockholders of said company, from being liable, in the manner, and for the purposes mentioned in said Act, to which this is in addition. [June 11, 1819.]

Proviso.

An ACT respecting the Fishery in the towns of Rehoboth and Swanzey.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, if any person or persons shall attempt to take any shad or alewives, with a seine, or drag net, or scoop net, set or drawing in Palmer's river, or the branches thereof, at any time or place, otherwise than is allowed by law, within the towns of Rehoboth or Swanzey, shall forfeit and pay seven dollars for each and every offence, to be recovered by action of debt, in any court proper to try the same; one moiety to him or them who shall prosecute for the same, and the other moiety to the town in which the offence is committed.

Chap. 11.

See 1803 ch.

116.

(V. 3. p. 378.)

Time for taking fish.

SECT. 2. *Be it further enacted*, That any seine, drag net, or scoop net, which shall be found set or drawing, in said Palmer's river, or any branch thereof, with or without the owner of the same, or any other person, shall be forfeited to the use of the poor of the town, in which the offence is committed; and if any person or persons shall make, or cause to be made, any weare, within eight rods of another, in said river, he or they shall forfeit and pay a fine of seven dollars, to be recovered and appropriated as aforesaid. [June 12, 1819.] Further act—1820 ch. 51.

Weares.

An ACT in further addition to an Act, entitled "An Act to incorporate the Merchants' Insurance Company, in Boston."

Chap. 12.

1816 ch. 66.

1817 ch. 96.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be a further addition to the capital stock of the Merchants' Insurance Company, in Boston, of one hundred and fifty thousand dollars, making the whole capital thereof, three hundred thousand dollars; which additional stock, shall be divided into fifteen hundred shares, of one hundred dollars each, making the whole number of shares three thousand; and shall be subject to the conditions, provisions and restrictions, contained in said act, and in the act in addition thereto, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and eighteen, except as is hereinafter provided.

Augmentation of Stock.

SECT. 2. *Be it further enacted*, That the additional stock shall be subscribed under the inspection of the president and directors of said company, and shall be paid in within twelve months, after the passing of this act, in such sum or sums, and under such penalties, as they shall prescribe.

Time of paying in Stock.

SECT. 3. *Be it further enacted*, That the said company is hereby authorized to make insurance against fire, on such terms and conditions as the parties may agree, on any dwell-

May insure against fire.

Proviso.

ling house, or other buildings, as well as on any other property, within this Commonwealth; *provided*, that no greater sum shall be insured on any one risk of fire, than ten per centum of the amount of the capital stock of said corporation, actually paid in. [June 12, 1819.]

Chap. 15.
1807 ch. 20.

An ACT to authorize the Proprietors of the Newburyport Academy to reduce their number of shares in said proprietary.

Reduction of Shares.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same, That the proprietors of the Newburyport Academy may, and they are hereby authorized and empowered, at a legal meeting called for the purpose, to alter the number of shares into which the said proprietary is divided, so that it may be divided into and holden in thirty shares and parts, and no more: *Provided however*, that two thirds of the stock or property in said proprietary shall be represented at such meeting; and that the proprietors of three fourths of the stock or property shall be in favour of such alteration, and not otherwise. And the meeting for that purpose, shall be called by the clerk of said proprietary, on an application in writing, for such meeting, subscribed by five of the proprietors, by publishing notice thereof, three times at least, in any newspaper printed in Newburyport, the first of which publications shall be at least ten days previous to such meeting. [June 17, 1819.]

Chap. 18.

An ACT to incorporate the Falmouth Wharf Company.

Persons incorporated.

Powers and privileges.

Shares of property.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alpheus Childs, John Crocker, Stephen Davis, Braddock Dimmick, Prince Dimmick, John Dimmick, Elisha P. Fearing, Elisha Gifford, Davis Hatch, Major Hatch, John Hatch, junior, Weston Jenkins, Thomas Lawrence, Silas Lawrence, David Lewis, Nathaniel Lewis, Thatcher Lewis, William Nye, Joseph Robinson, Michael Sampson, Benjamin Sanford, Charles Sanford, Ephraim Sanford, Nathaniel Shiverick, and Francis Wicks, together with such others as may hereafter associate and become partners in said company, be, and they are hereby incorporated, and made a body politic, by the name of the Falmouth Wharf Company; and by that name may sue and be sued, in all actions, real, personal or mixed, and may do and suffer all acts and things, which bodies politic and corporate may or ought to do and suffer; and shall have power to appoint such officers as they may judge necessary, have a common seal, and change it as they see cause, levy taxes and assessments, and compel payment from delinquents, by force of law, or sell their property or shares in said wharf, to pay the same; and shall have all other powers and privileges incident and usually granted to corporations of a like nature and purpose. And the property in the said company shall be held in forty shares, with power to increase the number as they may see cause; and each share shall be entitled to one vote; *provided*, that no member

shall have more than ten votes, and each member may vote by his proxy.

SECT. 2. *Be it further enacted*, That when any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said company, to their treasurer, for the term of sixty days after the time set for the payment, the treasurer of said company is hereby empowered to sell, at public vendue, the share or shares of such delinquent proprietor, one or more, as may be sufficient to defray said tax and necessary charges, after due public notice thereof being given, by posting up an advertisement in two places of public resort, in the said town, fourteen days, at least, before such sale, stating the sum due on such share, or shares, and the day and place, and cause of such sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and the purchaser, on producing a certificate from the treasurer to the clerk of said company, certifying such sale and purchase, record thereof shall be made by the said clerk in the books of the company, for that purpose provided and kept; and such purchaser shall be considered to all intents and purposes, the proprietor thereof; and the overplus, if there be any, shall be paid on demand, by the treasurer, to the person whose share or shares have been thus sold.

Penalties for
non payment
of assessments.

SECT. 3. *Be it further enacted*, That any Justice of the Peace, for the county of Barnstable, is hereby empowered, upon application therefor, to issue a warrant, directed to one of the proprietors, and member of said company, requiring him to notify and warn a meeting of said company, at such time and place as shall be appointed in the said warrant, to organize said company, by the appointment of its officers. [June 17, 1819.]

First meeting

An ACT further regulating the Fishery in the Merrimack River, and the streams running into the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person or persons, shall erect or cause to be erected, any mill dam, or weare, or shall place any stones, timber, boards, plank, or gravel, or any other obstruction or incumbrance, in or across the Merrimack river, or any of the rivers or streams running into the same, or continue or suffer to be continued, any such obstruction or incumbrance, as before mentioned, as hath been heretofore erected, or cause to be erected or placed, so as to prevent or obstruct the free passage of the salmon, shad, or alewives, in their usual course up and down said rivers and streams, at the time of their passing up to cast their spawn, and returning down of said fish, and the young fry; the person or persons so offending, instead of the penalty, heretofore provided by law, for such offence, shall forfeit and pay, a sum not exceeding five hundred dollars, nor less than one hundred dollars, at the discretion of the Court, before whom the conviction may be had, to be recovered by

Chap. 20.
1789 ch. 51.
(V. 1. p. 272.)
1792 ch. 78.
(V. 1. p. 442.)
Penalty for ob-
structions to
fishery.
1793 ch. 62.
(V. 1. p. 551.)
1802 ch. 51.
(V. 3. p. 43.)
1803 ch. 158.
(V. 3. p. 441.)
1804 ch. 134.
(V. 3. p. 577.)
1806 ch. 23.
1811 ch. 175.
1812 ch. 84.

action or indictment; one half to the use of the county, and the other half to the person or persons who may sue and prosecute for the same; and the Court before whom such conviction may be had, shall cause the obstruction to be removed, at the cost and charge of the offender or offenders.

Penalty for improperly taking fish.

SECT. 2. *Be it further enacted*, That if any person or persons shall, at any time, with a spear or other instrument or machine, by torch light or candle light, catch, kill, or destroy any salmon, shad or alewives, in any of the rivers or streams aforesaid, or shall with jack and spear, by torch light or candle light, fish for the purpose of catching any salmon, shad or alewives, every such person so offending, shall forfeit and pay the sum of fifty dollars, to be recovered and appropriated as aforesaid.

Penalty for infraction of the fish laws.

SECT. 3. *Be it further enacted*, That if any person or persons shall catch any salmon, shad, or alewives, in any part of Merimack river, or in any river or stream running into the same, or shall draw or drag any seine, drag net, or fly net, or set any net or pot, or use any other machine, or suffer such to be continued, or set, for the purpose of catching any of the said fish, in any of the said rivers or streams, at any other time or times, than by the laws of this Commonwealth are expressly allowed and permitted, every such person so offending, instead of the penalty heretofore provided by law, for such offence, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than fifty dollars, to be recovered and appropriated as aforesaid.

Power of Fish Wardens and other officers.

SECT. 4. *Be it further enacted*, That each and every Fish Warden, Sheriff, Deputy Sheriff, Constable, and Grand Juror, is hereby empowered to command the assistance of any person or persons which they, or any of them may judge necessary, for carrying this act, and the several acts to which this is in addition, into full effect, in the same manner as Sheriffs are empowered to command aid, in a civil or criminal process.

Forfeiture of Seines.

SECT. 5. *Be it further enacted*, That all seines, nets, and pots, of every sort and description, used for the purpose of catching any of the aforesaid fish, if found in either of said rivers or streams, or within the banks of the same, on any day or time, when by law it is not permitted or allowed to catch any of said fish, each and every such seine, net, pot, or other instrument, shall be forfeited, together with any boat, in which the same may be found; and the same may be seized by a Fish Warden, Sheriff, Deputy Sheriff, Constable, or Grand Juror, and prosecuted for, in the same way and manner as by law is provided, when seines are seized, for breach of the laws for regulating the fisheries in said rivers and streams; and the net proceeds, after paying all costs and charges, shall be for the sole use of the person who may seize and prosecute for the same, except when complaint shall be made by any other person; in which case, the informant, or person complaining, shall be entitled to one half, and the other half shall enure to the county where the offence is, or may be committed.

SECT. 6. *Be it further enacted*, That if any person or persons shall fish with a seine or net, more than eighteen rods

long, in Merrimack river, or twelve rods long, in Concord river, or extend more than one seine, or net, on the same fishing ground, at one and the same time, instead of the penalties heretofore provided by law, shall, for every such offence, forfeit and pay a fine of fifty dollars; and such seines and nets, together with the boat or boats so employed, shall be forfeited, and the same may be seized and prosecuted for, in manner aforesaid.

Designation of fishing ground, and time.

SECT. 7. *Be it further enacted*, That it shall be the duty of the proprietors of the Middlesex Canal, to cause to be erected, and kept in repair, in said canal, on both sides of said Concord river, such gates, constructed of wire or other materials, as may be sufficient to prevent the passage of the fish, or young fry, through said canal, either towards Merrimack river, or towards Medford; and shall not allow the said gates or either of them, to be kept open, excepting at the time of the passing of any boat or raft, in either direction in said canal; and no longer at any time, than may be sufficient for the passing of such boat or raft, through the said gates; and for failure or neglect of the duty herein enjoined, they shall forfeit and pay, a sum not exceeding five hundred dollars, nor less than one hundred dollars, to be recovered and appropriated as aforesaid.

(Suspended 1820 ch. 22.)
(Repealed 1820 ch. 70.)
Wire Gates.

SECT. 8. *Be it further enacted*, That the act, entitled, "An Act further regulating the fishery in Merrimack river," passed on the fourteenth day of June, eighteen hundred and seventeen, be, and the same is hereby repealed: *Provided however*, that the said act shall be in full force as to the prosecutions commenced under the said act. [June 18, 1819.] Further acts — 1820 ch. 22. 70: 1822 ch. 75.

1817 ch. 16.
Repeal of act.

An ACT to annex Daniel Ware and his estate, to the First Parish in Wrentham. Chap. 21.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Ware, now belonging to the north parish, in the town of Wrentham, and his estate, being his homestead farm, and Pine Plain Lot, (so called,) be, and the same are hereby annexed to the first parish in said town; *provided*, that the said Daniel Ware shall be holden to pay all taxes assessed on him, by the said north parish, due and unpaid, before the passing of this act. [June 18, 1819.]

Annexation.

An ACT authorizing Eliada Kingsley to remove a Gate, on the Becket Turnpike Road. Chap. 22.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Eliada Kingsley, sole proprietor of the Becket turnpike, be, and he is hereby authorized and empowered to remove the gate now standing on said road, to or near his dwelling house, near Scott's Corner, (so called) in said Becket, and there to receive the toll, now by law, allowed at said gate, any thing in the act defining the general powers and duties of turnpike corporations, to the contrary notwithstanding: *Provided always*, that the said Eliada Kingsley, or any future owner of said turnpike road, shall not demand or receive of any of the inhabitants of said town of Becket, or of the inhabitants of the town of Otis, any more than one quarter of the rateable toll now allowed and taken at said turnpike gate. [June 18, 1819.]

Removal of Gate.

Proviso.

Chap. 23.

An ACT to incorporate the First Baptist Society in Worcester.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Flagg, Israel Whitney, William Goss, Amos Smith, Francis Grout, Nathaniel Stowell, John Pepper, Jonas Rice, Elijah Harrington, John Tatman, Daniel Tatman, Timothy Taft, Peter Foster, Adolphus Taft, Joseph Taft, Samuel Boyden, Ephraim Curtis, Eli Chapin, Thaddeus Chapin, Ebenezer Wiswell, Jonas Johnson, Asa Gates, Levi Gates, Nathaniel Gates, Clark Johnson, Lewis Holbrook, William Young, Jeremiah Harrington, Rufus Paine, junior, David Hawes, Daniel Goddard, Samuel B. Manning, Levi Smith, Luke Rice, Abel Flagg, Benjamin Newton, Samuel Harrington, James Harrington, Luke Randall, William Hovey, Rufus Porter, Willard Gates, Daniel Goulding, John W. Hubbard, Joseph Goddard, Sewall Stearns, Luther Johnson, Samuel Sturtevant, Joel Putnam, Daniel Rand, Levi Howe, Nathan White, together with their polls and estates, be, and they hereby are incorporated into a society, by the name of the First Baptist Society, in Worcester, with all the privileges, powers and immunities, which other religious societies in this Commonwealth are, by law, entitled to.

Powers and
privileges.

Conditions of
membership.

SECT. 2. *Be it further enacted,* That any of the inhabitants of the said town shall, at all times, hereafter, have full liberty to join themselves with their families to either of the religious societies in said town; *provided* they shall signify, in writing, under their hands, to the Clerk of said town, their determination of being considered as belonging to the society to which they may join themselves as aforesaid.

Continuation
of membership.

SECT. 3. *Be it further enacted,* That the members of each respective society, in said town, and their families, shall be deemed and considered as continuing members of their respective societies, with their estates, for the time being, until they shall signify their determination to the contrary, as before expressed.

Meeting to be
warned.

SECT. 4. *Be it further enacted,* That Daniel Wales, Esquire, be, and he hereby is authorized to issue his warrant, directed to some principal member of said Baptist Society, requiring him to warn the members of said society, qualified to vote in parish affairs, to assemble at some suitable time and place, in said town, to choose such officers as parishes are, by law, required to choose, in the month of March or April, annually, and to transact all matters and things necessary to be done in said society. [June 13, 1819.]

Chap. 28.

An ACT to incorporate the Owners of Cove Meadows.

Title.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the owners of the meadows, called Cove Meadows, at the head of Ship Cove, in the town of Cohasset, in the County of Norfolk, be, and they are hereby incorporated, by the name of the Proprietors of Ship Cove Meadows; and by that name, may sue and be sued,

and do and suffer all such acts and things, as like bodies corporate may and ought to do and suffer. And the said proprietors shall have power, from time to time, to appoint a Clerk, Treasurer, Assessors, and Collectors of taxes, who shall be severally sworn to the faithful discharge of their respective trusts. And the said corporation, at any legal meeting for such purpose, shall have power to raise monies for the purpose of erecting gates, to flow or drain the said meadows, and of occasionally making repairs on the dam, and for any other purposes, which they may judge necessary and conducive to the improving of the said meadow lands. And at the first meeting of the said corporation, they shall determine the manner of calling future meetings.

General powers.

SECT. 2. *Be it further enacted*, That upon the application of three or more of said proprietors, to any Justice of the Peace for the County of Norfolk, he is hereby empowered to issue a warrant, directed to one of the said proprietors, requiring him to notify a meeting of the proprietors, at such time and place, and for such purposes as shall be expressed in said warrant; a copy of which shall be posted up at the door of the meeting house, in said Cohasset, seven days before the time appointed in the warrant, for holding such meeting. [June 18, 1819.]

First meeting.

An Act to incorporate the Trustees of the Congregational Society, in New Salem.

Chap. 29.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Stacy, John Putnam, Asahel Paige, William Whitaker, Varney Pearce, Jonathan Gregory, and David A. Gregg, and their successors, be, and they are hereby made and constituted a corporation, by the name of the Trustees of the Fund of the Congregational Society, in New Salem; and by that name, to remain a corporation forever, capable and liable in law, to sue and be sued, in any action, real, personal, or mixed; and may have and hold, in fee simple or otherwise, any estate, real or personal, to the value of twelve thousand dollars; and may sell and convey the same, by deed or otherwise, at their discretion; and may appoint all such officers as may be necessary for the management of their affairs; and may make, adopt and execute all reasonable by-laws and regulations, that may be necessary and proper for the government of the said corporation, and not repugnant to the constitution and laws of this Commonwealth.

Trustees incorporated.

May receive and sell real estate.

SECT. 2. *Be it further enacted*, That the said board of trustees shall have full power to receive and hold all money, notes, bonds, or other securities, now constituting the fund of the said Congregational society; and also to receive and hold, all gifts, grants, donations, or subscriptions, that may hereafter be made, to increase said fund; and the same to manage and put on interest, and to apply the income and interest thereof, annually, for the support of the minister of said society, forever; *provided*, that no appropriation of any gift, grant, or donation, shall ever be made, contrary to the express intention and direction of the donor.

Power of trustees.

Disposition of fund.

Limited number of trustees. SECT. 3. *Be it further enacted*, That the number of trustees shall never be more than seven, nor less than five, four of whom, may be a quorum for doing business ; and they shall have power to fill all vacancies that may happen by death, resignation, or otherwise : *Provided however*, that the said Congregational society, at any legal annual meeting thereof, may remove any member or members of said board of trustees, and appoint others in their stead.

Annual exhibit of accounts. SECT. 4. *Be it further enacted*, That the said trustees shall, annually, exhibit to the said society, a correct statement of the funds in their possession, and of the expenditure of the interest and income thereof, whenever the society may require it ; and they shall be liable, individually, in damages, to the society, for any waste or mismanagement of said funds ; and shall never receive any compensation for their services, in managing the affairs of the said corporation, other than what shall be allowed by the said society.

First meeting. SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Franklin, upon application therefor, is hereby empowered to issue a warrant, directed to one of the trustees named in this Act, requiring him to notify the first meeting of the said corporation, to organize the same, by the appointment of its officers. [June 18, 1819.]

Chap. 30.

An Act to establish Nichols Academy, in the town of Dudley.

Title. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the* That an Academy be, and is hereby established in the town of Dudley, in the county of Worcester, by the name of Nichols Academy, for the promotion of piety and virtue, and for the instruction of youth in such languages, and in such liberal arts and sciences, as the trustees hereinafter provided, shall order and direct.

Persons incorporated. SECT. 2. *Be it further enacted*, That Jonathan Davis, Amasa Nichols, Benjamin Russell, John Spurr, John Brown, Isaiah Rider, Luther Ammidon, John Kettell, and Benjamin Gleason, Esquires, Reverend Thomas Jones, Reverend Hosea Ballou, Reverend Paul Dean, Reverend Edward Turner, Doctor Dan Lamb, and Doctor Abraham R. Thompson, be, and they are hereby established a body corporate, by the name of the Trustees of Nichols Academy ; and they and their successors, shall continue a corporation by that name, forever, with power to have a common seal, to contract, to sue or be sued, and prosecute or defend suits by their agent or agents, appointed for that purpose ; to receive, by gift, grant, donation, or otherwise, any lands, tenements, or other estate, real or personal ; to hold and improve the same, to lease, exchange, sell or convey the same, for the benefit of the said academy, by deed or deeds, duly executed by their treasurer, or other officer or agent, being thereunto authorized by the said corporation ; *provided*, that the annual income of the whole estate of the said corporation, shall not exceed six thousand dollars.

General powers of trustees.

SECT. 3. *Be it further enacted*, That the said trustees shall

have power, from time to time, to appoint a clerk, who shall be under oath, and a treasurer, who shall give bond for the faithful discharge of his trust, and such other officers and instructors of the said academy, as the said trustees may judge needful and proper; and also to determine the time and place of their meetings, the mode of warning the same, of electing officers and trustees, and of transacting all other business; and to ordain necessary and reasonable orders, regulations, and by-laws, for the instruction and government of the said academy, not repugnant to the constitution and laws of this Commonwealth.

Meetings for
choice of pa-
rish officers.

SECT. 4. *Be it further enacted*, That when any of the said trustees shall die or resign, or, by age, infirmity, or otherwise, become incapable of discharging his said trust, in the judgment of the major part of the said trustees, the survivors may fill such vacancy, by electing a successor.

Vacancies to
be filled up.

SECT. 5. *Be it further enacted*, That the number of the said trustees shall not, at any time, be more than fifteen, nor less than nine, five of whom, shall constitute a quorum for the transaction of business; and all questions shall be decided by the votes of the major part of the trustees present; and in case of an equal division, by the casting vote of the presiding trustee.

Limited num-
ber of trustees.

SECT. 6. *Be it further enacted*, That Jonathan Davis, Esquire, be, and he hereby is authorized to appoint the time and place of the first meeting of the said trustees, and give them notice thereof. [June 18, 1819.]

First meeting.

An ACT to incorporate Union Hall Society, in Westborough.

Chap. 32.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Breck Parkman, Esquire, with his associates, and such other persons as may hereafter join them, and their successors, be, and they are hereby incorporated into a body politic, by the name of Union Hall Society, for promoting the cause of literature, morality and piety; and in their corporate capacity, they and their successors forever, may take, purchase, receive, have and hold, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal; *provided*, the annual income thereof shall not exceed six hundred dollars; *and provided also*, that it be faithfully appropriated to the objects aforesaid.

May hold real
estate.

SECT. 2. *Be it further enacted*, That said society may appoint and hold meetings annually, for the choice of a president, secretary, treasurer, and four directors, who shall constitute a board of trust, or overseers: And the president is authorized to call special meetings of the society, and of the board, when the interests of the corporation may require it, or when requested, in writing, by seven members of the society.

Meeting for
choice of offi-
cers.

SECT. 3. *Be it further enacted*, That each individual member may sell and transfer his right and privilege in the corporate property of said society, to any person or persons, in such manner and form as may be agreed upon by said society.

Transfer of
rights.

SECT. 4. *Be it further enacted*, That said society shall have

By-laws.

power to make such by-laws and regulations for calling meetings, and transacting all the other affairs and business of said society, as to them may appear expedient; *provided*, they shall not be repugnant to the constitution and laws of this Commonwealth.

Powers and privileges.

SECT. 5. *Be it further enacted*, That said society may have a common seal, which they may alter or renew at pleasure; and all deeds and contracts, which they may lawfully make and execute, signed by the president, and countersigned by the secretary, and sealed with their common seal, shall be valid in law, to all intents and purposes; and said society, in their corporate capacity, and by their said name, may sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution.

First meeting.

SECT. 6. *Be it further enacted*, That Breck Parkman and Moses Grant, Esquires, or either of them, be, and they are hereby authorized to fix the time and place of the first meeting of the society, by posting a written notification in the place where notifications for warning town meetings are usually posted, in said Westborough, at least eight days prior to said meeting. [June 18, 1819.]

Chap. 34.

1796 ch. 5. 31.
(V. 2, p. 78.99.)
1797 ch. 66.
(V. 2, p. 210.)
1798 ch. 48.
(V. 2, p. 265.)
1813 ch. 41.

An ACT relating to the First Massachusetts Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the First Massachusetts Turnpike Corporation have leave, after the first day of May next, to discontinue any further repairs on so much of the road of said corporation, as lays east of the place where the road leading to Northampton, unites with said turnpike road, and west of the bridge in Western, near the Upper Falls, so called. [June 18, 1819.]

Chap. 38.

1813 ch. 177.

An ACT in addition to an Act, incorporating the Calvinistic Congregational Society, in Sandwich.

Conditions of membership.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any inhabitant of the town of Sandwich, may incline to join the Calvinistic Congregational society, in said town, by signifying his desire, in writing, to the clerk of said town of Sandwich, and by notifying thereof the clerk of said society, he, together with his polls and estate, shall be considered to belong to said Calvinistic Congregational society, in the same manner as if incorporated by name, in the Act of incorporation. And whenever any person, belonging to said society, shall incline to withdraw therefrom, by signifying such his desire, in writing, to the clerk of said Calvinistic Congregational society, and by notifying thereof the clerk of said town of Sandwich, he, with his polls and estate, shall be discharged from said Calvinistic Congregational society; *Provided however*, that, in either case, such person shall be liable to pay his proportion of all assessments, previously made upon the members of the religious society, from which he may be discharged, agreeably to the provisions of this Act. And all such parts of the Act to which this

Terms of session.

Proviso.

is in addition, which are inconsistent with the provisions of this Act, are hereby repealed. [June 19, 1819.]

An ACT to change the Names of certain persons therein mentioned.

Chap. 49.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That George Joy, son of Benjamin Joy, of Boston, in the county of Suffolk, shall be allowed to take the name of John Joy; Sally Sumner Homer, daughter of George Homer, of said Boston, shall be allowed to take the name of Sarah Sumner Homer; Joseph Emery, of said Boston, housewright, shall be allowed to take the name of Joseph D. Emery; Major Arms Dickerman, of said Boston, trader, shall be allowed to take the name of William Arms Dickerman; Benjamin Hichborn Fosdick, of Charlestown, in the county of Middlesex, shall be allowed to take the name of Benjamin Hichborn; John Russell Estabrooks, of Cambridge, in said county of Middlesex, son of John Estabrooks, late of said Cambridge, deceased, shall be allowed to take the name of John Brooks Russell; Benjamin Walton, son of John Walton, of Pepperell, in said county of Middlesex, Esquire, shall be allowed to take the name of Benjamin Allen Walton; Sumner Walton, son of said John Walton, shall be allowed to take the name of James Sumner Walton; Joseph Jewett, the third, of Rowley, in the county of Essex, shall be allowed to take the name of Joseph M. Jewett; Nathan Brown, junior, of Newburyport, in said county of Essex, shall be allowed to take the name of Nathan William Brown; Henry Kendall, of Leominster, in the county of Worcester, shall be allowed to take the name of Jonas Henry Kendall; Isaac Van Deusen, of Great Barrington, in the county of Berkshire, son of Isaac Van Deusen, deceased, shall be allowed to take the name of Isaac I. Van Deusen; Isaac White, of Buxton, in the county of York, shall be allowed to take the name of Isaac Lamb White; Enoch Bearce, of Hebron, in the county of Oxford, shall be allowed to take the name of Enoch Fogg Bearce; William Smith, of Portland, in the county of Cumberland, shall be allowed to take the name of William Rufus Smith; Luke Barton, of Augusta, in the county of Kennebec, gentleman, shall be allowed to take the name of Luke Nickels Barton; Lydia Sears Hall, infant daughter of Hezekiah Hall, of New Sharon, in said county of Kennebec, shall be allowed to take the name of Maria Louisa Hall; Joseph Cox, junior, son of Joseph Cox, resident in the town of Concord, in the county of Middlesex, shall be allowed to take the name of Joseph Wyman; Samuel Turner, junior, of Scituate, in the county of Plymouth, gentleman, shall be allowed to take the name of Samuel Adams Turner. And the said persons, from the time of the passing of this Act, shall be called and known by the names, which, by this Act, they are severally allowed to take, as aforesaid, and the same shall be considered as their only proper and legal names, to all intents and purposes. [June 19, 1819.]

Names altered.

Chap. 50.

An ACT to incorporate the Philharmonic Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gottlieb Graupner, Thomas S. Webb, William Coffin, junior, Matthew Stanley Parker, John Dodd, and Bryant P. Tilden, together with such as may become associated with them, and their successors, be, and they hereby are incorporated and made a body politic and corporate, for the purpose of extending the knowledge, and improving the style of performance, of vocal and instrumental music, by the name of the Philharmonic Society; and by that name, they may sue and be sued, have a common seal, and the same, at pleasure, alter; and be entitled to all the powers and privileges, incident to aggregate corporations.

Officers to be
chosen.

SECT. 2. *Be it further enacted,* That the said corporation shall, at their first, or some subsequent meeting, choose a president, treasurer, and such other officers, as they may deem necessary or convenient, for the government and regulation of said corporation and its property; they shall have the power to make standing rules or by-laws, for prescribing the terms of office, and duties of their officers; for regulating the terms, on which persons may be admitted and continued members of the corporation; and generally, for the regulation of their officers.

May hold real
estate.

SECT. 3. *Be it further enacted,* That the said corporation shall be capable of taking and holding real estate, not exceeding the value of five thousand dollars, and personal estate, not exceeding the value of five thousand dollars; which estate shall not be divided among the members of the said corporation, (unless by a vote of three fourths of the said members, regularly convened, by public notice, given at least three weeks previous to said meeting,) but shall descend to their successors; subject only to the payment of the just debts, to be incurred by said corporation.

First meeting.

SECT. 4. *Be it further enacted,* That Gottlieb Graupner shall have full power to call the first meeting of said corporation, by appointing a time and place therefor, and giving notice thereof, to the other persons named and incorporated by this Act. [June 19, 1819.]

Chap. 51.
See 1816 ch. 27.

An ACT to incorporate William Bartlett, and others, by the name of the Proprietors of the Merrimack Canal.

Title.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said William Bartlett, Moses Brown, John Pettingill, with their associates and successors, be, and they are hereby incorporated, and shall be a corporation forever, under the name of the Proprietors of the Merrimack Canal; and by that name, may sue and be sued, prosecute and be prosecuted, to final judgment and execution; and shall be, and are hereby vested with all the powers and privileges, which are, by law, incident to corporations of a similar nature; and may have and use a common seal, and the same may break, and alter at pleasure.

Powers and
privileges.

SECT. 2. *Be it further enacted*, That William Bartlett, Moses Brown, and John Pettingill, or any two of them, are hereby authorized to call a meeting of the members of said corporation, as soon as may be, at Newburyport, in the county of Essex, by advertising the same, in the public newspapers, which may be printed in Newburyport and Haverhill, in said county, fourteen days, at least, previous to the time for holding of said meeting, for the purpose of electing a clerk, who shall be sworn to the faithful execution of the duties of his office, and a treasurer, and such other officers as they may judge necessary, for ordering and conducting the business and affairs of the said corporation; and to do and transact such matters and things, relating to the said corporation, as may be deemed necessary. And at said meeting, or at any subsequent meeting, may make and establish such rules and by-laws, as shall appear necessary or convenient, for the regulation and government of the said corporation; and the same rules and by-laws may cause to be executed; *provided*, they are not repugnant to the constitution or laws of this Commonwealth; and may annex penalties to the breach thereof, not exceeding ten dollars; and each proprietor, not present at any meetings, may vote by proxy, under such regulations as the proprietors shall prescribe. And the proprietary interest shall be divided into one thousand shares, which may be assignable in such manner as the proprietors may direct; and each share therein shall entitle the proprietor thereof to one vote; *provided*, that no proprietor shall be entitled to more than twenty-five votes, at any meeting of the proprietors.

First meeting.

By-laws.

Proviso.

Shares.

SECT. 3. *Be it further enacted*, That the proprietors aforesaid be, and they are hereby authorized and empowered to purchase and hold to them, and their successors forever, so much land and real estate, as may be necessary for the purposes of said canal, not exceeding the value of ten thousand dollars, over and above the value of the said canal, by itself considered; and the same to occupy, rent, alien and convey, in such manner as they may think proper. And the said proprietors are also authorized to purchase and hold any mill seats, upon the said canal, or on the waters connected therewith, or adjacent thereunto; and thereupon to erect such mills and manufactories, as they may think proper; and the same may rent, occupy, alien and convey, by lease, or deed, under the hand and seal of the treasurer of said corporation; *provided however*, that all the lands thus purchased, and holden for said last mentioned purposes, shall not exceed the sum of thirty thousand dollars.

May hold real estate.

SECT. 4. *Be it further enacted*, That the said proprietary be, and they are hereby authorized and empowered, within the term of six years from the passing of this Act, to open and cut a canal from the head of Hunt's Falls, in Merrimack river, to the tide waters of said river, or any shorter distance, and to erect such locks and dams as shall be necessary, in order to admit the passage of boats, rafts and masts, into and through the said canal, and to the tide waters in said river.

Canal may be cut.

SECT. 5. *Be it further enacted*, That if any person shall suffer any damage, by means of the said corporation appropriating any of his or her property, or lands, for the above purposes, and the parties cannot agree upon the amount of the value of the damages thus occasioned, nor upon some suitable person or persons, to estimate the same, then three disinterested persons shall be appointed by the Circuit Court of Common Pleas, for the middle circuit, which may be held within and for the county in which such lands may be; whose award shall be the measure of damages: *Provided nevertheless*, that if either party shall be dissatisfied with the award of the referees, appointed as aforesaid, and shall, at the same session at which the report shall be made, apply to the court for a jury, the said court is empowered to hear, and finally determine the same, by a jury, under oath, to be summoned by the sheriff, or his deputy, for that purpose, if the party complaining desire the same, or by a committee, if the parties can agree thereon; and if the jury or committee, agreed upon as aforesaid, (who are to be under oath,) shall give a verdict, or decision, more favourable to the party applying, than the referees had awarded, as aforesaid, then the court shall award costs, also, in favor of the party applying; but if the last decision shall not be more favourable to the party applying, than the decision of the referees, then the court shall award costs against the party applying; and the court shall render judgment, and issue execution thereon, accordingly; *provided*, that no part of the jury to be summoned, as aforesaid, shall be taken from the town in which the owner of the property lives, or the lands are situated.

SECT. 6. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, beat down, dig under, or otherwise damnify any canal, dam, or lock, or any part thereof, designed for the purposes aforesaid; or damnify, or carry away, or set afloat, to be carried away, any boards, plank, joist, or other timber, or materials, used, or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall, for every such offence, forfeit and pay to the proprietors aforesaid, treble such damages as the said proprietors shall to the justice, or court and jury, before whom the trial shall be, make appear, that they have sustained, by means of the said trespass, to be sued for and recovered, in any court proper to try the same. And such offender, or offenders, shall be liable to presentment, by the grand jury, before the Supreme Judicial Court, or the Circuit Court of Common Pleas, in the county where the offence shall be committed; and, on conviction thereof, such offender, or offenders, shall pay a fine to the use of the Commonwealth, of not more than one hundred dollars, nor less than ten dollars, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the court before whom the conviction shall be.

SECT. 7. *Be it further enacted*, That for the purpose of reimbursing the said proprietors the money by them expended, or to be expended, in building and supporting the dams, ca-

Appraisalment
of damages.

Jury decisions.

Costs awarded.

Awards for
wilful dama-
ges.

Presentments
to Jury.

Fines to State.

nals, and locks, and clearing the passages necessary for the purposes aforesaid, a toll be, and hereby is granted and established, for the sole benefit of the proprietors, according to the rates following, to wit: for each thousand feet of pine boards, at the rate of one dollar and twenty-five cents per thousand; for each thousand feet of oak boards, at the rate of two dollars and fifty cents per thousand feet; for each thousand feet of pine plank, two inches thick, two dollars and fifty cents; for each thousand feet of pine plank, two and half inches, three dollars and sixty-seven cents; for each thousand feet of pine plank, three inches, three dollars and seventy-five cents; for each thousand feet of oak plank, two inches, five dollars; for each thousand feet of oak plank, two inches and half, six dollars and sixty-seven cents; for each thousand feet of oak plank, three inches, seven dollars and fifty cents; for each thousand shingles, fifteen cents; for each thousand clapboards, eighty-four cents; for each ton of oak timber, eighty-four cents; for each ton of pine timber, fifty cents; for each ton of all other timber, sixty-two and half cents; for each ton of stone, sixty-two and half cents; for boats, per ton, on their capacity to carry, sixty-two and half cents; for each thousand hogshead hoop poles, two dollars and seventeen cents; for each thousand barrel hoop poles, one dollar and sixty-seven cents; for each thousand hogshead hoops, one dollar and twenty-five cents; for each thousand barrel hoops, eighty-seven and half cents; for each barrel of pot and pearl ashes, twenty-five cents; for each barrel of cider, fifteen cents; for each hogshead, filled, forty-two cents; for each hogshead, empty, ten cents; for shooks and empty barrels, four cents; for each cord of pine wood, fifty cents; for oak wood, sixty-two and half cents; for each thousand of pipe staves, three dollars and fifty cents; for each thousand of hogshead staves, two dollars and seventeen cents; for each thousand barrel staves, one dollar and twenty-five cents; and the toll aforesaid shall commence as soon as the said canal and locks shall be so far completed, as to admit the passage of boats, rafts and masts through them. And when any boat, float, or raft, shall enter the said canal, and pass through a part thereof, and not pass through the whole of it, there shall be paid thereon a toll proportionate to the distance and the number of locks which may be passed. And the said proprietors are also authorized hereby to receive an additional toll or lockage, at the lock or locks which they may erect at Mitchell's Falls, so called, on said river, in the proportion of one fifth part of the rates herein above established, on the several articles above enumerated.

Tolls.

Additional
Lock Tolls.

SECT. 8. *Be it further enacted*, That if there shall be occasion, in the prosecution of said undertaking, to make a canal across any public highways, or if any highways shall hereafter be laid out across any such canal, it shall be the duty of said proprietors to make and maintain, in good repair, a sufficient bridge or bridges over such canal. [June 19, 1819.]

Bridges to be
erected.

Chap. 52.

An ACT incorporating the Trustees of the Ancient Landmark Charity Fund.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph M. Gerrish, Eleazer Wyer, John P. Boyd, Alpheus Shaw, and Charles B. Smith, and their associates and successors, be, and they hereby are constituted a corporation, by the name of the Trustees of the Ancient Landmark Charity Fund; and they hereby are invested with all the powers, privileges and immunities incident to corporations of a similar nature.

May hold real
and personal
estate.

SECT. 2. *Be it further enacted,* That said trustees shall have power to receive, possess and hold, by gift, grant or purchase, any real or personal estate; *provided,* the value thereof do not exceed ten thousand dollars; and shall and may employ the income, interest and profits arising from such estate, in acts of charity and benevolence, and not otherwise; and may make and establish such by-laws, rules and regulations as they may think proper, for their own government; *provided,* the same are not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SECT. 3. *Be it further enacted,* That Joseph M. Gerrish be, and he hereby is authorized to call the first meeting of said trustees, by giving personal notice to each of them, or leaving a written notice at each of their houses, seven days before the time of meeting. [June 19, 1819.]

Chap. 59.

An ACT to incorporate the Proprietors of the Flat Grounds, in Cohasset Little Harbour.

May sue and
be sued.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the Flat Grounds, at a place called Little Harbour, in the town of Cohasset, be, and they hereby are, with their estates, in said flats, made a corporation, by the name of the Proprietors of the Flats, in the Little Harbour of Cohasset, in the County of Norfolk; and by that name may sue and be sued, and further do and suffer all such acts and things, as may be done and suffered by like corporate bodies.

Disposal of
property.

SECT. 2. *Be it further enacted,* That said corporation shall have power to purchase the right, title, interest and estate, which any individual proprietor may have in the aforesaid flats; and to sell and convey, in fee, or lesser estate, or to lease any real estate holden in its corporate capacity; and all deeds of conveyance, or leases, shall be in the name, under the seal, and conformable to the vote of the said corporation, and executed by the treasurer thereof.

Privileges.

SECT. 3. *Be it further enacted,* That said corporation be, and the same is hereby authorized and empowered to take and hold, to its own use, all such sea manure, as may be cast upon the beach, below the dam, through which the water runs into the sea. [June 19, 1819.]

Chap. 60.

An ACT establishing the Universalist Society, in Western and Brookfield.

SECT. 1. *BE it enacted by the Senate and House of Representa-*

ives, in General Court assembled, and by the authority of the same, That Francis Clark, Daniel Hodges, Jacob Mansfield, James Trask, Simeon Parker, Josiah Putnam, Isaac Moore, Perez Alexander, John Burbank, Joel Hawes, Preston Hawes, Jesse Rice, Phinehas Rice, Amos Rice, William Rice, Otis Her-
Persons incor-
 ring, Foster Newton, George Upham, Daniel Batchelor, David Batchelor, Adolphus Hodges, Daniel Hodges, junior, John Crane, Jacil Kendrick, Francis O. Clark, Solomon F. Olds, Tyler Burroughs, Elijah Lumbard, Gershom Makepeace, Elias Mason, and Philip White, with their families and estates, together with such others as may hereafter join them, in the manner herein provided, be, and they are hereby incorporat-
General Pow-
 ed into a religious society, by the name of the Universalist Society of Western and Brookfield, with all the powers and privileges which are exercised, or enjoyed, by other parishes, according to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person, belonging to the said towns of Western and Brookfield, who may hereafter desire to join the said Universalist Society, shall declare such desire and intention, in writing, to the minister or clerk of the said Universalist Society, and also deliver a copy of the same to the clerk of the town, or to the minister or clerk of the parish, or religious society, where such person formerly attended, fifteen days, at least, previous to the annual town meeting, in March or April; and if such person doth thereupon receive a certificate of membership, signed by the minister or clerk of said Universalist Society, such person, with his or her polls and estate, from the date of said certificate, shall be considered a member of said Universalist Society.
Conditions of membership.

SECT. 3. *Be it further enacted,* That when any member of said Universalist Society, shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, and shall give notice of such intention in writing, to the minister, or clerk of said Universalist Society, and deliver a copy of the same to the clerk of the town, or to the minister or clerk of such other society, (as the case may be,) fifteen days, at least, before the annual meeting, and shall produce a certificate of admission, signed by the minister, or clerk thereof, such person, with his or her polls and estate, shall, from the date of such certificate, be considered as a member of the society with which he or she hath so united: *Provided*
Terms of Secession.
however, that in every case of secession, every such person shall be holden to pay his or her proportion of all parish or society charges and assessments, legally assessed and not paid, previous to such secession.

SECT. 4. *Be it further enacted,* That any Justice of the Peace, for the County of Worcester, is hereby authorized to issue his warrant, directed to a member of the said Universalist Society, requiring him to notify and warn the first meeting of the members thereof, to be holden at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, and for doing such other business, as may then appear necessary, and which religious societies are en-
First meeting.

powered to do, according to the constitution and laws of this Commonwealth. [June 19, 1819.]

Chap. 61.

An ACT to establish the Suffolk Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles Davis, his associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Suffolk Manufacturing Company, for the purpose of manufacturing woollen, cotton, silk, and linen fabrics, at Boston, in the County of Suffolk, or at any other place or places, not exceeding four; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

Powers and
privileges.

1808 ch. 65.

Limitation of
Stock.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation, shall not exceed two hundred thousand dollars, and that it may be lawfully seized and possessed of such real estate, as may be necessary and convenient, for the purposes aforesaid, not exceeding the value of fifty thousand dollars. [June 19, 1819.]

Chap. 62.

An ACT relating to the Middlesex Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the Middlesex Turnpike Corporation be, and they hereby are authorized to remove the gate now established on their turnpike road, near the house of Abel Bowman in Billerica, from its present situation, to some convenient place on their road, near the easterly side of Nutting's Pond, so called, in Billerica; and that, hereafter, they shall be authorized and empowered to demand and receive, from all travellers passing their gate, so to be removed as aforesaid, one half of the usual rates of toll, established and provided to be taken and received, by the general turnpike law: And that, hereafter, the proprietors of said turnpike road, shall be entitled to demand and receive, from all travellers passing their said gate, near the house of Isaac Reed, in Lexington, tolls, at and after the rate of three fourths of the amount of tolls, by the general turnpike law provided to be taken and received, at a full gate.

1805 ch. 12.
(V. 3, p. 611.)
1806 ch. 5.
1809 ch. 129.
1810 ch. 120.
1811 ch. 28.

Removal of
Gate.

Tolls.

SECT. 2. *Be it further enacted,* That Oliver Crosby, Silas Richardson, Joseph Blanchard, and Josiah Crosby, junior, of Billerica, and their families, and all those persons, with their families, to whom the estates in Billerica, now occupied by said Oliver Crosby, Silas Richardson, Joseph Blanchard, and Josiah Crosby, junior, shall descend or be assigned, and who shall live thereon, shall, hereafter, be entitled to pass said gate, near the house of Isaac Reed, in Lexington, for the same rate of toll, heretofore provided by law, at said gate; and all the inhabitants of Burlington and Bedford shall be al-

Privileges.

lowed to pass said gate, last mentioned, by paying half the rate of toll, by a former act provided to be demanded and received, for passing the same. [June 19, 1819.]

An ACT relating to the Tenth Massachusetts Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the twentieth day of May, in the year of our Lord one thousand eight hundred and twenty, the proprietors of the Tenth Massachusetts Turnpike Corporation, shall have leave to discontinue that part of the road of said corporation, which lays east of New Lebanon, in the State of New York, and west of the dwelling house of James Whiton, Esq. in the town of Lee, in this Commonwealth, where it intersects the road leading to Stockbridge.

SECT. 2. *Be it further enacted,* That the proprietors of said corporation, shall have the privilege, from and after the said twentieth day of May next, to increase the toll at the remaining gates, on said turnpike road, to the following rates, viz.: for every coach, phaeton, chariot, or other four wheel carriage, drawn by two horses, thirty-one cents; and if drawn by more than two horses, an additional sum of four cents for each horse; for every cart, waggon, sled, or sleigh, drawn by two oxen or horses, twelve and a half cents; if drawn by more than two, an additional sum of three cents for each ox or horse; for every curricule, twenty-one cents; for every chaise, chair, or other carriage, except waggons drawn by one horse, sixteen cents; for waggons, drawn by one horse, eight cents; for every man and horse, six cents; for all oxen, horses, and neat cattle, led or driven, besides those in carriages, two cents each; for all sheep and swine, four cents for a dozen; and in that proportion for a greater or less number; *provided,* that no toll shall be taken from any person, passing said road, on military duty. [June 19, 1819.]

Chap. 63.

1800 ch. 16.
(V. 2. p. 393.)
1814 ch. 37.

Discontin-
uance of gate.

Increase of
toll.

Proviso.

An ACT in further addition to an Act, entitled "An Act to establish the Boston and Roxbury Mill Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the dam, now building by the Boston and Roxbury Mill Corporation, from Boston to Brookline, shall be made convenient for travelling thereon, the said corporation may receive the toll granted by the Act, entitled "An Act to establish the Boston and Roxbury Mill Corporation;" *provided, however,* that the Legislature may suspend the right of taking toll, at any time, before, and until the said corporation shall have so far completed one of the other dams, mentioned in the original act of incorporation, as that mills can be established, employing a power equal to turning twenty pair of common mill stones; and said corporation, or its assigns, shall have actually erected mills, employing a power, equal to turning ten pair of common mill stones, [June 19, 1819.] Add act—1822 ch. 34.

Chap. 65.

1814 ch. 39.
1816 ch. 40.

Tolls.

(1814 ch. 39.)

Chap. 67.

AN ACT establishing the First Universal Christian Society in Shirley.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Lemuel Willard, John Egerton, John Kelsey, Abraham Paine, Daniel Newhall, Ezra Cowden, John Henry, William Harris, William Willard, Peter Washburn, Woodbury Hill, William Kilburn, John Phelps, Wonder Wears, Silas L. Brown, Israel Longley, William McIntosh, Joel Travis, Richard Smith, Thomas Ritter, David Parker, George Munroe, Abner Pierce, John Davis, junior, Elisha Hall, John Walker, Elnathan Polley, Benjamin Edes, Eleazer Davis, Phinehas Ames, Thomas Orr, Levi Sherwin, Ephraim Gilson, Jacob Marshall, John Peabody, Josiah Richardson, Eleazer Lain, Amos Heald, and Sampson Gould, with their polls and estates, with such others as may hereafter associate with them, be, and they are hereby incorporated into a religious society, by the name of the First Universal Christian Society, in Shirley; with all the powers and privileges, which are exercised and enjoyed by parishes, according to the constitution and laws of this Commonwealth.

Conditions of
membership.

SECT. 2. *Be it further enacted,* That any inhabitant of the town of Shirley, or any adjoining town, who may desire to become a member of said Universal Christian Society, and shall declare said intention, in writing, delivered to the Minister or Clerk thereof, fifteen days, at least, previous to the annual meeting of said society, and shall receive a certificate, signed by the said Minister or Clerk, that he or she had actually become a member of, and united in religious worship with the said Universal Christian Society, such person shall, from the time of leaving such certificate, be considered, with his or her polls and estates, a member of said society.

Condition of
secession.

SECT. 3. *Be it further enacted,* That when any member of said Universal Christian Society shall see cause to leave the same, and to unite in religious worship, with any other religious society, and shall give notice of such intention to the minister or clerk of said Universal Christian Society, and shall also, give in his or her name to the clerk or minister, of such other society, fifteen days, at least, previous to their annual meeting, and shall have received a certificate of membership, signed by the minister or clerk of such other society, such person shall, from the date of such certificate, with his or her polls and estates, be considered a member of said society: *Provided however,* that every such person shall always be holden to pay his or her proportion of all parish charges, in the society, to which such person belonged, assessed and not paid, previous to the leaving such society.

First meeting.

SECT. 4. *Be it further enacted,* That any Justice of the Peace, for the County of Middlesex, is hereby authorized to issue a warrant, directed to some member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, as parishes are by law, empowered to choose, at their annual parish meetings, [June 19, 1819.]

An ACT to incorporate the African Humane Society.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Reverend Thomas Paul, Scipio Dalton, Charles Biner, Dudley Tidd, Thomas Dalton, Cato Freeman, and James Burr, and their associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are hereby incorporated into a society, by the name of the African Humane Society; with power to have a common seal, to make contracts, relative to the objects of their institution, to sue and be sued, to establish by-laws and orders, for the regulation and management of the concerns of the said society, and the preservation and application of the funds thereof; *provided*, the same be not repugnant to the constitution or laws of this Commonwealth.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said society may take, hold, and possess, any estate, real or personal, by subscription, gift, grant, purchase, devise, or otherwise, and the same to improve, loan, exchange, or sell and convey, for the sole benefit of said institution; *provided*, that the value of the real estate of said society, shall never, at one time, exceed twenty thousand dollars, and personal estate shall never exceed ten thousand, for charitable uses only.

May hold real estate.

SECT. 3. *Be it further enacted*, That every person, who shall subscribe and pay to the funds of said society, a sum not less than five dollars, by such subscription and payment, become a member of said society; liable, however, to be removed therefrom, for neglect or refusal, to conform to the by-laws and regulations of said society, established as aforesaid.

Conditions of membership.

SECT. 4. *Be it further enacted*, That said society shall meet annually, in the month of August, at such time and place, as shall be provided in said by-laws; and shall elect, from among their members, by ballot, a president, treasurer, secretary, and twelve other persons, who, together with said president, secretary, and treasurer, shall constitute a standing committee, and hold their respective office for one year, and until others are elected to supply their places: said standing committee shall meet discretionally, to transact such business as may require their attention, and as shall be entrusted to their care, by said by-laws, relative to making pecuniary appropriations, and affording relief and assistance; and in case of the death or resignation of any of the foregoing officers, said Committee shall appoint some suitable person, from among the members, to act until the next annual election of officers; and any seven of said standing committee shall form a quorum.

Officers.

SECT. 5. *Be it further enacted*, That the Secretary and Treasurer of said society, before entering upon the discharge of the duties of their offices respectively, shall be sworn to the faithful discharge thereof, before some justice of the peace; and the treasurer shall also give good and sufficient bonds to

Responsibility of officers.

said society, with such sureties as shall be approved of by the said standing committee; and when thus qualified, shall have the custody of the funds and other property of said society, agreeable to the by-laws thereof.

First meeting. SECT. 6. *Be it further enacted,* That Reverend Thomas Paul be, and he hereby is authorized to call the first meeting of said society, by giving public notice of the time and place of meeting, by advertisement in one or more of the newspapers, printed in the town of Boston, seven days, at least, before the time of such meeting; at which meeting, the officers aforementioned, of the society, shall be elected, and shall hold their offices until the first annual election of officers shall be holden, agreeably to the provisions of this act. [June 19, 1819.]

Chap. 71.

An ACT to incorporate the Pilgrim Society.

Persons incor- SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Watson, Joshua Thomas, Beza Hayward, William Davis, and Barnabas Hedge, together with such others, as now are, or hereafter may be associated with them, for the purpose of procuring in the town of Plymouth, a suitable lot, or plat of ground, for the erection of a Monument, to perpetuate the memory of the virtues, the enterprize, and unparalleled sufferings of their ancestors, who first settled in that ancient town; and for the erection of a suitable Building, for the accommodation of the meetings of said associates; which Monument and Building shall, forever, be free from taxation, (while the property of said corporation,) be, and they hereby are incorporated into a society, by the name of the Pilgrim Society; and by that name, shall be a corporation forever; with power to have a common seal, to make contracts, relative to the object of their institution, to sue and be sued, to establish by-laws for the regulation of the society; *provided,* such by-laws be not repugnant to the constitution and laws of this Commonwealth; to choose a President, and such other officers, as may be thought expedient; to take, hold and possess, any estate, real or personal, by subscription, gift, grant, purchase, or otherwise, for the purposes aforementioned; *provided,* the value of said estate, shall not exceed ten thousand dollars.

General powers.

Proviso.

Meetings. SECT. 2. *Be it further enacted,* That the time and place, for holding the first meeting of said society, may be appointed by any three of the aforementioned persons, by their giving notice thereof, in the Columbian Centinel, printed in Boston; and at such meeting, the said society may agree upon the mode of calling future meetings; may adjourn from time to time; may choose such officers as may be deemed expedient, and establish by-laws to regulate said society. [Jan. 24, 1820.]

Chap. 73.

1802 ch. 94.
(V. 3. p. 121.)

An ACT to change the name of the Western Society of Middlesex Husbandmen.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Western Society of Middlesex Husbandmen, a corporation created by an Act, made and passed the twenty-eighth day of

February, in the year of our Lord one thousand eight hundred and three, shall hereafter be called and known by the name and style of "The Society of Middlesex Husbandmen and Manufacturers;" any thing in their original act of incorporation, to the contrary notwithstanding. [Jan. 24, 1820.]

Name altered.

An ACT to repeal the fourteenth section of an Act, entitled, "An Act for incorporating certain persons for the purpose of building a Bridge over Charles River, by the name of the Canal Bridge, and for extending the interest of the Proprietors of West Boston Bridge."

Chap. 75.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the fourteenth section of an Act, entitled, "An Act for incorporating certain persons for the purpose of building a bridge over Charles river, by the name of the Canal Bridge, and for extending the interest of the proprietors of the West Boston Bridge," passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby repealed. [Jan. 25, 1820.]

1806 ch. 83.

An ACT to incorporate the Proprietors of St. Paul's Church, in Boston.

Chap. 77.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Dudley A. Tyng, Benjamin Greene, William Dehon, John Odin, William Appleton, Henry Codman, David Sears, William Shimmin, Francis Wilby, George Odin, and George Sullivan, all of Boston, and all those original subscribers, for the purpose of erecting a new Episcopal Church, in Common Street, in Boston, who have paid, or who shall pay, or secure to be paid, before the first meeting of the corporation hereby created, the whole amount of their subscriptions, and who shall signify, in writing, to either of the persons above named, their desire to become associates, are hereby incorporated as a Protestant Episcopal Society and body politic, by the name of the Proprietors of Saint Paul's Church, in Boston, with all the powers and privileges of other like religious societies, according to the constitution and laws of this Commonwealth, and to the rights and usages of the Protestant Episcopal Church in the United States. The persons named and described as aforesaid, to be and continue members of said corporation, until there shall be a sale of pews, in said church; and from and after such sale, owners of pews therein, shall alone be members of said corporation.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted, That* the said corporation, at any legal meeting, held for the purpose, shall have power to authorize the Wardens of said church to transfer and convey all, or any part of the real or personal estate, which said corporation may acquire or possess, and to execute good and sufficient deeds to convey the same, in fee simple, or in any other manner, and for such consideration, as said corporation, at such meeting, shall, by vote, determine.

SECT. 3. *Be it further enacted, That* the first meeting of said corporation shall be called, by publishing this act in one or more newspapers, printed in Boston, with a request, that all

Meetings.

persons concerned, should meet at such time and place as shall be mentioned in said notice. And the said printed notice or request shall bear the name of one, at least, of the persons named in the first section of this act. [Jan. 28, 1820.]

Chap. 80.

1803 ch. 98.

(V. 3. p. 343.)

1805 ch. 17.

(V. 3. p. 614.)

1808 ch. 30.

1809 ch. 124.

1818 ch. 82.

Alteration of
Road.

AN ACT in addition to an Act, entitled, "An Act establishing a corporation, by the name of the Union Turnpike Corporation."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Union Turnpike Corporation be, and they are hereby authorized to alter their road, by leaving its original route, near Benjamin Willard's, in Lancaster, thence running in the most direct and suitable course, to where the county road, leading to Harvard, crosses Nashua river, thence in and near the course of said county road, so as to reunite with said turnpike road, near Jonas Bateman's, in Harvard.

SECT. 2. *Be it further enacted,* That whenever said alterations shall be made and accepted, by a Committee or Committees, to be appointed by the Court of Sessions, in the County of Worcester, said corporation are hereby discharged from maintaining and keeping in repair such part of the present road, as said alteration shall render unnecessary, as a turnpike road. [Jan. 31, 1820.]

Chap. 82.

1818 ch. 86.

Alteration of
title.

AN ACT in addition to an Act, entitled, "An Act to incorporate the Second Congregational Society, in the First Parish in Springfield."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Second Congregational Society, in the first parish in Springfield, shall be, and hereby is authorized and empowered to take the name of the Third Congregational Society in Springfield, and shall hereafter be known and called by that name forever.

SECT. 2. *Be it further enacted,* That the Clerk of said society shall record, in a book, to be by him kept for that purpose, the names of the proprietors of every pew, or part of a pew, in the meeting house of said society, and shall give to every such proprietor a certificate of his ownership of such pew or part of a pew; which certificate shall be full evidence of the title of such proprietor thereto, and shall vest the same in said proprietor and his heirs, to all intents and purposes; and a copy of such certificate shall be recorded in the same book by said Clerk; and all transfers of a pew or part of a pew, in said house, shall be by deed, to be recorded in the same book by said clerk; and for every such certificate, and for recording every such transfer, said Clerk shall be entitled to receive from every such proprietor or grantee, twenty-five cents; and all known officers of law, for all lawful purposes, shall have free access to such book of records.

Register of
proprietors.

Transfer of
pews.

Persons incor-
porated.

SECT. 3. *Be it further enacted,* That Joshua Frost, Jonathan Dwight, junior, Robert Emery, John Howard, and Samuel Orne, Esquires, and their successors, be, and they hereby are constituted a body politic and corporate forever, by the name of the Trustees of the Fund of the Third Congregational So-

ciety, in Springfield; and they shall have a common seal subject to be altered at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

SECT. 4. *Be it further enacted*, That said Trustees be, and hereby are vested with, and shall have full powers to receive into their hands, all monies and securities for money already raised, which may now be in the hands of the Treasurer of said society, and all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised or subscribed for the use of said society; and may sell and convey, by deeds, lands and tenements, whereof the fee may rest in them, by virtue of mortgage or execution; and any gift, grant, bequest or devise, hereafter made to said Trustees or their successors, shall be valid and effectual to all intents and purposes whatever; and said Trustees are hereby empowered by purchase or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust for the support and maintenance of the gospel ministry, and other expenses of said society.

Powers of
Trustees.

SECT. 5. *Be it further enacted*, That said Trustees shall pay to the regularly ordained Minister of said society, four hundred dollars semiannually; the first payment to be at the expiration of six months from the ordination or settlement of said Minister, over said society; and all other income or interest which said Trustees may receive from estates or securities, with which they may, by this act, be vested, they shall dispose of in such manner as said society shall, from time to time, direct: *Provided however*, that the fund of said society shall be inalienable, and, that its proceeds shall, in no case, be appropriated, but for the benefit of said society.

Salaries.

SECT. 6. *Be it further enacted*, That any three of said Trustees shall constitute a board for the transaction of business; and the concurrence of that number shall be requisite to every act and proceeding whatever; and said Trustees shall fill all vacancies at their board, as they shall arise from death, resignation, misconduct, incapacity, or removal from said society; and said Trustees shall have power, by a majority of votes, to remove any one of their number for such misconduct or incapacity, of which they are hereby constituted sole judges.

Vacancies to
be filled.

SECT. 7. *Be it further enacted*, That said Trustees shall choose one of their board, Treasurer, who shall give bond to said Trustees, with surety or sureties, to their acceptance, in the penal sum of twenty-five thousand dollars, for his faithful performance of the duties of that office; and said Treasurer shall keep a record of all the proceedings of said Trustees, and an account of all their receipts and appropriations of money, and shall make a statement in writing, of such receipts and appropriations, and of all securities for money in his hands, every year, in the month of March, to the Clerk of said society, who shall record the same, in the society's books; and

Duties of Treas-
urer.

said Treasurer shall constantly have the custody of all the money and effects, obligations and securities for the payment of money, and all other evidences of property belonging to said Trustees.

Lien on Pews. SECT. 8. *Be it further enacted*, That for security of any debt due to said Trustees, from any proprietor of a pew or part of a pew, in the meeting house of said society, the same shall always be holden, and said Trustees shall have a lien on such pew or part of a pew, until such debt be discharged; and for all loans hereafter made by said Trustees, they shall require two good and sufficient sureties, or a mortgage of real estate of double the value of the sum loaned, or may vest the same in bank stock, or in the funded stock of the United States.

Pay of Trustees. SECT. 9. *Be it further enacted*, That the said Trustees shall receive for their services, such compensation as shall be mutually agreed on between them and said society; and they shall be responsible to said society, for their negligence or misconduct in the management of said trust.

First meeting. SECT. 10. *Be it further enacted*, That Joshua Frost, Esquire, be, and hereby is authorized and empowered to fix the time and place, for holding the first meeting of said Trustees, and to notify each Trustee thereof. [Jan. 31, 1820.]

Chap. 83. 1816 ch. 61. An ACT to change the name of the American Society, for Educating Pious Youth, for the Gospel Ministry.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the American Society, for Educating Pious Youth, for the Gospel Ministry, be changed, and that the said corporation be hereafter known, and called by the name of the American Education Society. [Jan 31, 1820.]

Chap. 85. An ACT to incorporate the Institution for Savings, in Newburyport and its vicinity.

Persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Bartlett, Moses Brown, John Pettingell, John Pearson, Thomas M. Clark, Edward Rand, Edward S. Rand, William B. Banister, Stephen Howard, Thomas Carter, Joshua Carter, Ebenezer Mosely, Ebenezer Wheelwright, Peter Le Breton, Jonathan Gage, Francis Vergnies, Nathan Noyes, Oliver Prescott, Nathaniel Bradstreet, Joseph S. Pike, and Philip Bagley, together with such as have associated, and may hereafter associate with them, be, and they hereby are incorporated into a society, by the name of the Institution for Savings, in Newburyport, and its vicinity; and that they, and such others as may be duly elected members of the said corporation, as is in this act provided, shall be, and remain a body politic and corporate, by the same name, forever.

General powers. SECT. 2. *Be it further enacted*, That the said society and corporation shall be capable of receiving, from any person or

persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided: And all such deposits of money, received by the said society, shall be used and improved to the best advantage of the owners thereof; and the net income or profit thereof, shall be, by the said society, applied and divided among the persons making the deposits, their executors, administrators, or assigns, in just proportion, to each depositor; and the principal of such deposits may be withdrawn at such time, and in such manner, as the said society shall direct and appoint. And the said corporation may, at their first meeting, and at their annual meetings in January, have power to elect, by ballot, additional members of the said society.

Division of profits.

SECT. 3. *Be it further enacted*, That the said corporation may have a common seal, which they may change and renew at their pleasure; and that all deeds, conveyances, and grants, covenants, and agreements, made by their treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer, by the name aforesaid.

SECT. 4. *Be it further enacted*, That the said society shall hereafter meet at Newburyport, at such time in the month of January, annually, and at such other times, as the society, or the president thereof, may direct; and any seven members of the said corporation, (the president, a vice president, treasurer, or secretary, being one,) shall be a quorum. And the said society, at their meeting in January, annually, shall have power to elect a president, and all such other officers, as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead: and the secretary and treasurer, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively; and they shall also have the power of making by-laws, for the more orderly management of the business of the corporation; *provided*, such by-laws are not contrary to the constitution and laws of this Commonwealth.

Location.

Choice of Officers.

SECT. 5. *Be it further enacted*, That any three of the persons named in this Act, are hereby empowered, by public notification in the newspapers printed in Newburyport, to call and notify the first meeting of the said society, at such time and place as they may judge proper. [Jan. 31, 1820.]

First meeting.

An ACT to establish an Academy, in the town of Billerica, by the name of the Billerica Academy.

Chap. 86.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of Billerica, in the County of Middlesex, an academy, by the name of Billerica Academy, for the purpose of promoting religion and

Trustees.

morality, and for the education of youth, in such of the liberal arts and sciences, as the trustees for the time being, shall direct; and that Josiah Crosby, Esquire, Samuel Whiting, Esquire, Joseph Locke, Esquire, Reverend Nathaniel Whitman, Francis Faulkner, Esquire, Colonel Josiah B. Richardson, Doctor Zadock Howe, Reverend Samuel Stearns, Reverend Samuel Sewall, Reverend Jacob Coggin, Honourable Edward St. Loe Livermore, George Bruce, Gentleman, Cyrus Baldwin, and William Blanchard, junior, Esquires, and Doctor Abraham R. Thompson, be nominated and appointed trustees; and they are hereby incorporated into a body politic, by the name of the Trustees of Billerica Academy; and they, and their successors, shall be and continue a body politic, by that name, forever.

General powers.

Proviso.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting or establishing an academy as aforesaid, or which shall hereafter be given, granted, or assigned to the said trustees, shall be confirmed to the said trustees, and their successors in that trust, forever, for the uses, which in such instruments, shall be expressed: And the said trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal; *provided*, the annual income of the same, shall not exceed the sum of three thousand dollars; and shall apply the interest, rents, and profits thereof, so as most effectually to promote the design of the institution.

Choice of Officers.

SECT. 3. *Be it further enacted*, That the said trustees, for the time being, shall be the visitors and governors of said institution; shall have full power, from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices; to remove from office any trustee, when he shall become incapable from age or otherwise, of discharging the duties of his office; to fill all vacancies that may happen in the board of trustees, by electing suitable persons therefor; to determine the times and places for holding their meetings, the manner of notifying the trustees, the method of electing and removing members of the board; to ascertain the powers and duties of their several officers; to elect instructors, and prescribe their duties; to make and ordain reasonable rules, orders, and by-laws, with reasonable penalties, for the government of the institution; *provided*, the same be not repugnant to the laws of the Commonwealth.

May sue and be sued.

SECT. 4. *Be it further enacted*, That the trustees of said academy, may have a common seal, which they may change at pleasure; and all deeds, sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be good and valid in law; and said trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Billerica Academy,

SECT. 5. *Be it further enacted*, That the number of said trustees, shall never exceed fifteen, nor be less than nine; seven of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time; and a majority of those present, shall always decide all questions that may properly come before the said trustees; except, that a majority of all the trustees shall be necessary to remove any member of the board.

SECT. 6. *Be it further enacted*, That Joseph Locke, Esquire, be, and he is hereby authorized and empowered to fix the time and place, for holding the first meeting of the trustees, and to notify them thereof. [Jan. 31, 1820.]

An ACT setting off Phineas Whiting and others, from the town of Chelmsford, and annexing them to the West Congregational Society, in Dracut.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Phineas Whiting, Nathaniel Wright, John Ford, Silas Hoar, Artemas Holden, James Bowers, Jonathan Bowers, Samuel F. Wood, Nathan Tyler, Josiah Fletcher, Otis Tyler, Joseph C. Hall, Nathan Tyler, junior, Nathan Hunting, Nathan P. Ames, Joseph Dane, Ephraim Osgood, Simon Parker, Lowell Butterfield, Jeduthan Parker, Zebulon Parker, Osgood Worcester, Joel Dix, Varnum Spaulding, Robert Spaulding, Micajah Bowers, Bradley Varnum, John Goulding, Samuel Hunt, Moses Cheever, junior, and Amos Proctor, of Chelmsford, in the County of Middlesex, with their polls and estates, be, and they are hereby set off, for parochial purposes only, from said town of Chelmsford, and annexed to the West Congregational Society, in Dracut, in said county; there, hereafter to enjoy all the parochial privileges of said society, and to pay their proportion of all necessary charges that may arise therein, for the purposes aforesaid: *Provided nevertheless*, that the aforesaid persons shall be holden to pay their proportion of all parochial taxes, now assessed or granted, by the said town of Chelmsford. [Feb. 1, 1820.]

An ACT to incorporate the Fall River Manufacturing Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abraham Bowen, Dexter Wheeler, David Anthony, and Jonathan Borden, together with such others, as have, or may hereafter associate with them, their successors, and assigns, be, and they are hereby made a corporation, by the name of the Fall River Manufactory, for the purpose of manufacturing cotton goods, in the town of Troy, in the County of Bristol; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand, eight hundred and nine, entitled "An Act, defining the general powers and duties of manufacturing corporations."

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not

Chap. 88.

See 1797 ch. 20.

(V. 2. p. 175.)

Persons set off.

(Name changed 1819 ch. 96.)

Proviso.

Chap. 89.

Persons incorporated.

General powers.

1808 ch. 65.

May hold real estate.

exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient, for carrying on the manufacture aforesaid. [Feb. 5, 1820.]

Chap. 91.

An ACT to establish part of the line between the towns of Lenox and Lee, in the County of Berkshire.

Boundaries.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the dividing line, between the towns of Lenox and Lee, namely, beginning at the now reputed southeast corner of said Lenox, about eighteen rods west of the Housatonic river, at a heap of stones in the north line of a tract of land, known by the name of the Glass Work Grant; thence running north, seven degrees east, parallel with the west line of a grant of land, known by the name of Larribee's Grant, until the said line shall reach the middle of the said Housatonic river, above the furnace and mills standing on the same; thence northerly, in the middle of said river, as far as the north line of the said Larribee's Grant, where it intersects the original east line between said towns, be, and the same is hereby established as the boundary line between the said towns. [Feb. 7, 1820.]

Chap. 92.

An ACT to incorporate the Proprietors of the South Buildings, in Salem.

Persons incorporated.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Willard Peele, Pickering Dodge, and others, interested in a certain real estate in Salem, in the County of Essex, consisting of a brick building; bounded westerly by Cambridge street, and northerly by Chesnut street, with the land under and adjoining said building, and their successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the South Buildings, in Salem: And the said corporation by said name, may sue and be sued, have a common seal, make rules and by-laws for the management of said estate, and do and execute whatever, by law, shall appertain to bodies corporate.

General powers.

SECT. 2. Be it further enacted, That the said corporation be capable to have, hold and possess the said real estate and appurtenances; provided, the lawful proprietors thereof shall convey the same to said corporation: And said corporation shall have power to sell, alien, lease and manage said estate, according to the pleasure of said corporation, expressed at a legal meeting.

May hold real estate.

SECT. 3. Be it further enacted, That the said corporate property shall be divided into shares, not exceeding one hundred and fifty in number; and certificates thereof shall be signed by the president of said corporation, and issued to the proprietors, according to their respective interests in said estate; and such shares shall be personal estate.

Shares limited.

Assessments.

SECT. 4. Be it further enacted, That said corporation may, from time to time, assess all monies necessary for the rebuilding, repairing and good management of the corporate estate; and may, after ten days notice, sell, at public vendue, the

share or shares of any proprietors, neglecting to pay said assessments; *provided*, that no assessments shall be made, at any meeting, unless the same be agreed to by two thirds, at least, in number and value of those present, or represented at such meeting. Proviso.

SECT. 5. *Be it further enacted*, That said Peele, or said Dodge, may call a meeting of said corporation, by advertising the same, in any newspaper printed in Salem, ten days, at least, before said meeting: And said corporation may, at any such, or other meeting, agree on the mode of calling future meetings, and may elect a president and clerk, and the same remove as the said corporation shall see fit. [*Feb. 7, 1820.*] Meetings.

An ACT to annex John W. Perry, with his family and estate, to the town of Natick. Chap. 95.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John W. Perry, with his family and estate, be, and hereby is set off from the town of Sherburne, and annexed to the town of Natick; and shall there exercise and enjoy all his rights and privileges, as an inhabitant of the said town, and shall also be subject to the same duties and requisitions as the other inhabitants of the said town of Natick: *Provided however*, that the said John W. Perry shall be holden to pay his assessments of all county, town and parish taxes and expenses, assessed upon him, and remaining unpaid, prior to the passing of this act. [*Feb. 7, 1820.*] Persons set off:

An ACT to change the name of the West Congregational Society, in Dracut. Chap. 96.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the West Congregational Society, in Dracut, in the County of Middlesex, shall, after the passing of this Act, be called and known by the name of the Presbyterian Church and Society, in Dracut. [*Feb. 7, 1820.*] 1797 ch. 20.
(V. 2. p. 175.)

Name changed.

An ACT to change the name of the Hopkinton and Framingham Cotton Manufacturing Company. Chap. 97.
1811 ch. 66.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of "The Hopkinton and Framingham Cotton Manufacturing Company," at Hopkinton, in the County of Middlesex, be, and hereby is changed, to the Middlesex Factory Company; and shall, from and after the first day of March next, be called and known by this name. [*Feb. 7, 1820.*]

An ACT to prevent the destruction of Fish in the several ponds, in the town of Haverhill. Chap. 98.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this Act, no person shall take, catch, or kill any pickerel, or other fish, in the several ponds, in the town of Haverhill, in the county of Essex, with any instrument whatever, at any time between the first day of Prohibition of taking fish.

December, in each year, and the first day of May, following; and no person shall catch, kill, or destroy, any pickerel, or perch, in said ponds, or in the several brooks, running into or out of the same, with any spear, grapple, seine, net, or pot, at any time after the passing of this Act. And every person offending against the provisions of this Act, shall, for each and every offence, forfeit and pay the sum of two dollars, to be recovered with costs of suit in an action of debt, by any person or persons, who shall sue for the same, to his or their use, before any Justice of Peace, within and for the county of Essex.

Penalties.

Privilege.

SECT. 2. *Be it further enacted*, That the inhabitants of Haverhill, aforesaid, may, at their annual meeting, in March or April, in any year, by vote, suspend the operation of the prohibitions and restrictions, contained in the first section of this Act, or any part of the same, for any term of time, not exceeding one year, as to them shall seem expedient. [Feb. 7, 1820.]

Chap. 99. An ACT to incorporate the Ashburnham Leather Manufactory.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Jewett, Stephen Corey, Hosea Stone, Fitch Crosby, Asahel Corey and Abraham T. Lowe, together with such others, as may hereafter associate with them, be, and they are hereby incorporated as a company, by the name of the Ashburnham Leather Manufactory, for the purpose of manufacturing all kinds of morocco and other leather, in the town of Ashburnham, in the county of Worcester; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed in an Act, passed the third day of March, eighteen hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and of the several Acts supplementary thereto.

General pow-
ers.
(1808 ch. 65.)

Limitation of
funds.

SECT. 2. *Be it further enacted*, That the said company may be lawfully seized of such real estate, not exceeding the value of ten thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of morocco, and all other sorts of leather, in the said town of Ashburnham. [Feb. 7, 1820.]

Chap. 101. An ACT to incorporate the First Universalist Society, in Westminster.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Heman Ray, Joshua Moor, Caleb Wetherbee, Henry Coolidge, Caleb Lincoln, Jesse Spaulding, Daniel Lincoln, Elias Blodget, Isaac Blodget, Jonas Winship, Jonas Holden, Jonas Winship, junior, Silas Smith, junior, Merari Spaulding, Cyrus Winship, Joseph Howard, Asa W. Rand, Zechariah Whitman, Charles Smith, Jonathan Whitman, Joseph Beaman, junior, Moses Mosman, Benjamin Seaver, Zebina Spaulding, Caleb Wilder, John Mosman, Stillman Brooks, Joel Baker, Abner Holden, Levi Sawyer, and Jacob Sawyer, with their families, polls, and estates, together with such others as may hereafter associate with them, and their successors, be, and

They are hereby incorporated into a religious society, by the name of the First Universalist Society, in Westminster, with all the privileges, powers, rights, and immunities, to which other parishes are entitled, by the constitution and laws of this Commonwealth.

General powers.

SECT. 2. *Be it further enacted,* That when any person in Westminster, or the adjoining towns, may incline to join said Universalist society, by signifying such, his or her desire, in writing, to the clerk of the town, or society, to which he or she may belong, and by notifying thereof the clerk of said Universalist society, he or she, together with his or her polls and estate, shall be considered to belong to said society, in the same manner as if incorporated, by name, in this Act. And whenever any person belonging to said society shall incline to withdraw therefrom, by signifying such, his or her desire, in writing, to the clerk of said Universalist society, and by notifying thereof, the clerk of the town in which he or she resides, he or she, with his or her polls and estate, shall be discharged from said Universalist society : *Provided however,* that, in either case, such person shall be liable to pay his or her proportion of all assessments on the members of the society, made and not paid, previous to the leaving such society.

Conditions of membership.

Conditions of secession.

SECT. 3. *Be it further enacted,* That either of the Justices of the Peace, for the county of Worcester, upon application therefor, is authorized to issue his warrant, directed to some member of said society, requiring him to warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, to choose such officers as parishes are, by law, empowered and required to choose, at their annual meetings. [Feb. 7, 1820.]

Meetings.

AN ACT to incorporate the Trustees of Saint Peter's Charity Fund, in the town of Newburyport. Chap. 102.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Gage, Joshua Greenleaf, Stephen Howard, Jacob Perkins, Eleazer Johnson, and Enoch Plumer, with their associates and successors, be, and they are hereby constituted and made a corporation, by the name of the Trustees of Saint Peter's Charity Fund, in Newburyport; and the said trustees are hereby vested with all the powers and privileges, and shall also be subject to all the duties and liabilities, incident to other charitable institutions.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said trustees shall have power to receive, possess, and hold, by gift, grant, or purchase, any real or personal estate; *provided,* the value thereof shall not exceed ten thousand dollars; and may employ the income, interests, and profits, arising from such estate, in acts of charity and benevolence, and for no other use whatever; and no donation shall exceed ten dollars at any one time. And the said trustees may make and establish such rules and by-laws, as they may, from time to time, think necessary for the better management and administering the said charity; *pro-*

General powers.

By-laws.

vided, such rules and by-laws shall not be contrary to the constitution and laws of this Commonwealth.

SECT. 3. *And be it further enacted*, That the first meeting of the said trustees may be convened by a warrant from any Justice of the Peace, for the county of Essex, upon application therefor, directed to one of the persons named in this Act, requiring him to notify and warn the members of said corporation, to meet at such convenient time and place, as shall be appointed in the said warrant, to organize the said corporation, by the election and appointment of its officers. [Feb. 7, 1820.]

Meeting.

Chap. 104.

An ACT authorizing the appointment of Firemen, in the town of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the selectmen of the town of Boston, for the time being, be, and they are hereby authorized and empowered, if they judge it expedient, as soon as may be, after the passing of this Act, to nominate and appoint a number of suitable persons, not exceeding thirty, who shall continue in office during the pleasure of the selectmen of said town, whose duty it shall be, under the direction of the firewards of said town, to attend fires therein, and the vicinity, with axes, ladders, firehooks, and such implements and apparatus, for the extinguishment of fires, and the preservation of persons and property, as may be provided for that purpose, and placed under their care; and to perform such further duty, as such selectmen shall, from time to time, prescribe.

Number limited.

Organization of companies.

SECT. 2. *Be it further enacted*, That the firemen, so appointed, shall and may be organized into one or more distinct companies, under the direction of such selectmen; and each of said companies is hereby authorized to meet together some time in the month of May, annually; at which meeting, they shall have authority to choose a master or director, and clerk of such company, and establish such rules and regulations respecting their duty as firemen, as may be approved by such selectmen, and to annex penalties for the violation of the same, which may be recovered by the clerk of such company, before any Justice of the Peace for the county of Suffolk; *provided*, that no such penalty shall exceed the sum of six dollars and sixty-seven cents, and that such rules and regulations shall not be repugnant to the laws of this Commonwealth.

Monthly meetings.

SECT. 3. *Be it further enacted*, That the respective companies of firemen, who may be nominated and appointed in pursuance of this Act, shall be held and obliged to meet together once a month, and oftener, if necessary, for the purpose of inspecting and examining the fire hooks, ladders, and other implements and apparatus which may be placed under their care, management, and superintendence, and the appendages belonging to the same, and seeing that the same are in good repair, and ready to proceed, on any emergency, to the relief of any part of the community which may be invaded by the calamity of fire. And the firemen appointed as aforesaid, shall be held and obliged to go forward, under the direction of the firewards

of said town, and to use their best endeavours to extinguish and prevent the spreading of any fire, which may happen in said town, or in the vicinity thereof, and which shall come to their knowledge, without delay; and also to use their best exertions for the preservation of all persons and property which may be exposed to danger thereby.

SECT. 4. *Be it further enacted*, That the persons who may be appointed firemen in pursuance of this Act, shall be, and they are hereby exempted from common and ordinary military duty, and from serving as jurors, or in the office of constable, during the time they may be employed in the service aforesaid.

Exemption.

SECT. 5. *Be it further enacted*, That if any one, who may be appointed, pursuant to the provisions of this Act, shall, in the opinion of such selectmen, be negligent or remiss in the duties required of him, as a fireman, by this Act, or by any rules and regulations which may be prescribed and made in pursuance thereof, it shall be the duty of such selectmen, upon sufficient evidence thereof, to discharge him from such company, and from his office and duty, as a fireman; and thereupon to proceed and appoint another person in his room, in the manner herein before directed. [Feb. 7, 1820.]

Discharge for neglect of duty.

An ACT to incorporate the Episcopal Church of Saint Thomas, in Taunton.

Chap. 105.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ichabod Leonard, Levi Leonard, David Burt, James Burt, 2d, Oliver Danforth, and Galen Hicks, together with such others as have associated, or may hereafter associate with them, and their successors, with their polls and estates, be, and they hereby are incorporated into a society or body politic, by the name of the Episcopal Church of Saint Thomas, in Taunton, with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church, in the United States.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That if any other person or persons, shall hereafter incline to associate with the said Episcopal church, in Taunton, and shall leave a certificate of the same, signed by the rector, clerk, or committee of said church, with the clerk of the town or parish, to which he or they may respectively belong, he or they, with his or their polls and estates, shall be considered as members of the Episcopal church aforesaid. And if any person or persons shall hereafter see cause to leave the said Episcopal church of Saint Thomas, and unite with any other religious society or parish, and shall leave with the rector or clerk, of the Episcopal church aforesaid, a certificate of the same, signed by the minister, clerk or committee of such other parish or religious society, with which he or they may have united, he or they, with his or their polls and estates, shall be discharged from said Episcopal church,

Conditions of membership.

Terms of secession.

and annexed to the parish or society, with which he or they may have united as aforesaid.

Society's funds.

SECT. 3. *Be it further enacted*, That said Episcopal church aforesaid, be, and they hereby are empowered to raise and establish a fund, the annual income or interest of which shall not exceed the sum of two thousand dollars; and for this purpose, may take and hold, by gift, grant, or otherwise, any estate, real or personal, and manage, lease, sell and dispose of the same; the income and interest of which, or so much thereof as shall be necessary, shall be appropriated and applied, at the discretion of the said society, to the support of a Protestant Episcopal priest or priests, in said society. And the warden and vestry of the said society, for the time being, shall have the management of the said fund and estate, pursuant to the votes of the said society, and subject, at all times, to account with them.

Rectorship.

SECT. 4. *Be it further enacted*, That the said society shall, at a meeting duly called for that purpose, elect a rector, whenever they shall think it expedient, who shall be inducted according to Episcopal usage.

Officers to be chosen.

SECT. 5. *Be it further enacted*, That the annual meeting of the said society, shall be on Easter Monday, at such hour and place, as the wardens, for the time being, shall direct and notify; at which meeting, the said society shall choose two wardens, three or five vestry men, a treasurer, clerk, and other necessary officers, who shall continue in office one year, and until others are chosen and qualified; and special meetings be called and notified in the same manner, by the wardens, as parish meetings are called and notified by parish assessors or committees.

Treasurer to give bonds.

SECT. 6. *Be it further enacted*, That the treasurer of the said society shall give bond, with sureties, to the satisfaction of the wardens and vestry, for the faithful performance of his duties, in the penal sum of two thousand dollars, and shall receive the rents and monies of the said society, and shall have the custody of all leases, and other written evidence of contracts, and debts due to them; and he shall, annually, and whenever required by the wardens and vestry, exhibit to them, to be submitted to the society, a detailed account of all monies by him received and paid, and of the state of said fund.

Pews to be registered.

SECT. 7. *Be it further enacted*, That all deeds of pews in the church, which may be erected by the said society, shall be recorded within three months after the same are executed, in the books of the clerk of the said society, and need not be recorded in the office of the town clerk, or register of deeds.

First meeting.

SECT. 8. *Be it further enacted*, that any Justice of the Peace, for the county of Bristol, is hereby authorized, upon application of either of the persons named in this act, to issue his warrant, requiring such person applying as aforesaid, to notify a meeting of the members of the Episcopal Church aforesaid, at such convenient time and place, as shall be appointed in said warrant, for the election of such officers and transacting such other business as may be necessary, for the due organization of said society. [Feb. 7, 1820.]

An ACT to annex Thomas Keyes, with his family and estate, to the Town of West Boylston. Chap. 108.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Keyes, with his family and estate, be, and hereby are set off from the town of Boylston, and annexed to, and made a part of the town of West Boylston; and shall there exercise and enjoy all the rights and privileges, and shall also be subject to all the duties and requisitions as other inhabitants of the said town of West Boylston. [Feb. 10, 1820.]

An ACT authorizing the Worcester and Stafford Turnpike Corporation, to remove the two westerly gates on said turnpike road. Chap. 113.
1805 ch. 33.
1809 ch. 22.
111.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Worcester and Stafford turnpike corporation be, and they are hereby authorized to remove the westerly gate on said turnpike road, easterly from where it is now located, to some convenient place, not exceeding five miles; and likewise to remove the middle gate, (so called,) on said road, not exceeding three fourths of a mile, either way, from the place where it is at present located: Provided, that said gates shall not be erected on any town or county road; and that, hereafter, they shall be authorized and empowered to demand and receive from all travellers, passing said gates so removed, the usual rates of toll established and provided to be taken and received by the general turnpike law, any thing in the general turnpike law to the contrary notwithstanding. [Feb. 12, 1820.] Gate removed.

Toll.

An ACT in addition to an Act, entitled, "An Act, to divide the Town of Greenwich into two parishes," Chap. 114.
1787 ch. 2.
(V. 1. p. 162.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That instead of the words, "thence west, to the west line of lot numbered seventeen," contained in the first section of the Act, passed on the twenty-first day of June, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An Act to divide the town of Greenwich, into two parishes," said line be known and described as follows, viz.: east, to the west line of lot, numbered seventeen. [Feb. 15, 1820.]

An ACT to incorporate the Trustees of the Methodist Religious Society, in Charlestown. Chap. 116.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Grandville, James Burnet, Jonathan Ingals, William Swindell, William Haws, Moses Rand, Samuel Poor, Domingo De Castro, and John Lamb, be, and hereby are incorporated into a body politic, by the name of the Trustees of the Methodist Religious Society, in Charlestown; and by that name, they and their successors in office, shall be a corporation forever.* Persons incorporated.

SECT. 2. *Be it further enacted, That the number of said trustees shall, at no time exceed nine, six of whom shall con-*

General powers.

stitute a quorum to do business. They shall annually, in the month of March, elect from their own body, a treasurer, who shall have charge of the monies and security for monies, or other property belonging to the said methodist religious society; also a secretary, who shall keep a faithful record of all the votes and doings of the said trustees. They shall have power to make such rules and by-laws, as may be necessary, for the management of their affairs, and the regulation of their officers, the raising of money for the support of their public teacher, and repairs of their chapel, and for calling their meetings from time to time, as are not repugnant to the constitution and laws of this Commonwealth.

Choice of Trustees.

SECT. 3. *Be it further enacted*, That whenever there shall occur any vacancy in the board of trustees, by reason of death, resignation or removal from office, the secretary, for the time being, shall notify and call a meeting of the remaining trustees, as soon as may be; and the minister, having the pastoral charge of said methodist religious society, shall nominate suitable persons, being members of the said society; and from such nominations, the trustees shall elect, and by a majority of votes, appoint a person to fill such vacancy, in order that the number of trustees be nine, forever.

May hold real estate.

Proviso.

SECT. 4. *Be it further enacted*, That the lands and other property that may be hereafter purchased by, or given unto the said trustees, for the use and benefit of the said methodist religious society, either for the support of the worship of God, or for the support of the poor of the said society, shall be confirmed to the said trustees, and their successors in that trust, forever: And the said trustees and their successors, may have and hold, in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estates, real or personal; *provided*, the annual income thereof shall not exceed the sum of two thousand dollars; and may sell and dispose of the same, and apply the rents and proceeds thereof, in such manner as shall best promote the end and design of the said methodist religious society.

Power of Trustees.

SECT. 5. *Be it further enacted*, That the said trustees may have one common seal, which they may at pleasure alter and renew; and all deeds, signed by the treasurer and secretary of said corporation, for the time being, and sealed with their seal, duly acknowledged, shall be good and valid in law; and the said trustees may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name of the trustees of the Methodist Society, in Charlestown.

First meeting.

SECT. 6. *Be it further enacted*, That Jonathan Ingals be, and hereby is authorized, to fix the time and place of holding the first meeting of the said trustees, and to notify them thereof accordingly. [Feb. 15, 1820.]

Chap. 118.
1797 ch. 69.
(V. 2. p. 214.)

An Act in addition to an Act, entitled "An Act for the preservation of the fish, called Alewives, in Weweeantit River, in the County of Plymouth, and for regulating the taking said fish."

BE it enacted by the Senate and House of Representatives, in

General Court assembled, and by the authority of the same, That from and after the twenty fifth day of June next, no person shall be liable to pay any penalty or forfeiture, for taking fish, called alewives, in Wewantit river, or in any pond or stream, having connection therewith, from the twenty fifth day of June, to the fifteenth day of March, annually, any law to the contrary notwithstanding. [Feb. 15, 1820.]

An ACT to establish the jurisdictional line between the Towns of Groton and Dunstable. Chap. 119:

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the jurisdictional line between the towns of Groton and Dunstable, in the County of Middlesex, be, and hereby is fixed and established, and the same hereafter is to be considered and known according to the bounds and monuments hereinafter mentioned and described, as follows, to wit: beginning at a chesnut tree, marked, with stones about it, on the easterly bank of Nashua river, at the south-westerly corner of Henry Blood's land; thence running southeasterly, to a dead pitch pine tree, marked, standing on the westerly side of Unquetanasset Brook, so called, with stones about it, being the same bound which is designated, at the southerly end of the line, marked number twenty three, on the plan of the present jurisdictional line, between the said towns; thence running still southerly, to a stake and stones, on the easterly side of Unquetanasset Brook, so called, and on the southerly side of the Pepperell road, and near the Trough Bridge, so called, being the southerly end of the line, marked number thirty four, on said plan; thence running southwesterly, to a heap of stones, at the end of a large rock, called Break-Neck-Rock, being the southwesterly end of the line, marked number thirty eight, on said plan; thence running southerly to a pitch pine stump, with stones about it, near Pole Hill, so called, where a large pitch pine tree lately stood, on the northerly side of the road, leading from Groton to Dunstable, being the easterly end of the line, marked number fifty eight, on said plan; thence running southeasterly, to a heap of stones, on a ledge of rocks, at the easterly end of the line, marked number seventy four, on said plan; and thence running easterly, to a white birch tree, with stones around it, on a little island, the westerly side of Mashapoag Pond, so called, being the easterly end of the line, marked number eighty seven, on said plan.*

Boundaries.

SECT. 2. *Be it further enacted, That all persons, of either of said towns, now seized and possessed of an inheritable estate therein, and their heirs only, shall be exempted from being taxed as non resident proprietors, by either of said towns, in consequence of the establishment of the above mentioned jurisdictional line, but not to exempt any person or persons from being taxed as non resident proprietors, who are now liable to be so taxed,*

Exemptions.

SECT. 3. *Be it further enacted, That all persons who are now inhabitants of Groton, and will become inhabitants of Dunstable by the establishment of the line aforesaid, shall be*

Legal settle-
ment.

deemed to have their legal settlement in Dunstable; and all persons who have heretofore gained a legal settlement in Groton, by force of their residence, or occupation of the lands, or territories, that will, by the establishment of said line, belong to the town of Dunstable, other than those who are now occupying or resident upon the said lands or territories, shall be deemed to have their legal settlement in Groton. [Feb. 15, 1820.]

Chap. 120.

An ACT to incorporate the Trustees of the Second Congregational Society, in Greenfield.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Leavitt, Jerom Ripley, Elijah Alvord, Eliel Gilbert, Samuel Wells, Ambrose Ames, and David Ripley, and their successors, be, and they are hereby made and constituted a corporation, by the name of the Trustees of the Ministerial Fund of the Second Congregational Society, in Greenfield; and by that name, to remain a corporation forever; capable and liable, in law, to sue and be sued in any action, real, personal, or mixed; and may have and hold, in fee simple, or otherwise, any estate, real and personal, to the value of fifteen thousand dollars; and may sell and convey the same, by deed or otherwise; and may appoint all such officers, as may be necessary, for the management of their affairs; and may make, adopt and execute all reasonable by-laws and regulations that may be necessary and proper, for the government of the said corporation, and not repugnant to the constitution and laws of this Commonwealth.

Powers of
Trustees.

Management
of Funds.

SECT. 2. *Be it further enacted,* That the said board of trustees shall have full power to receive and hold all money, notes, or other securities, now constituting the fund of the said society; and also, to receive and hold all gifts, grants, donations, or subscription, that may hereafter be made to increase said fund, and the same to manage and put on interest, and to apply the income and interest thereof, annually, for the support of the minister of said society, forever: *Provided,* that no appropriation of any gift, grant, or donation, or the income thereof, shall ever be made contrary to the express intention and direction of the donor.

Quorum of
Trustees.

SECT. 3. *Be it further enacted,* That the number of trustees shall never be more than seven; that whenever they shall be reduced below that number, the vacancies shall be filled before they proceed to the transaction of any other business; that four shall be a quorum for doing business; that the said trustees shall keep a fair record of all their proceedings, which shall be open to the inspection of any committee appointed for that purpose, by said society: And that the said trustees shall have power to fill all vacancies that may happen, by death, resignation, or otherwise.

Annual exhibi-
tion of Funds.

SECT. 4. *Be it further enacted,* That the said trustees shall, annually, exhibit to the said society, a correct statement of the funds, in their possession, and of the expenditure of the in-

terest and income thereof, whenever the society may require it; and they shall be liable, individually in damages to the society, and to donors, for any waste, misapplication, or mismanagement of said funds; and shall receive no compensation for their services, in managing the affairs of the said corporation, other than what shall be paid them by the said society.

SECT. 5. *Be it further enacted*, That whenever any one of the trustees shall die, or resign, or shall become a member of any other church or society of christians, or shall cease to be a member of the Second Congregational church or society aforesaid, or in the judgment of a major part of the trustees, shall be rendered incapable, by age, removal, or otherwise, of beneficially discharging the duties of said office, the trustees shall declare his office vacant, and shall proceed, without delay, to elect some suitable person to fill such vacancy. And all deeds and instruments, requiring a seal, which the trustees shall have lawfully determined to make, shall be sealed with their seal, and being signed and acknowledged by the treasurer of said corporation, shall bind the said trustees and their successors, and be valid in law.

Vacancies to be filled up.

SECT. 6. *Be it further enacted*, That any Justice of the Peace, for the County of Franklin, is hereby authorized and empowered to issue his warrant, directed to one of the trustees named in this act, requiring him to notify the first meeting of the said corporation, to organize the same, by the establishment of by-laws, and the appointment of its officers.

By-laws.

SECT. 7. *Be it further enacted*, That it shall and may be lawful, for all deeds given, or hereafter to be given, on the sale of any pew in the Second Congregational meeting house, in the town of Greenfield, to be recorded, by the clerk of said society, in a book to be especially provided for that purpose; and all deeds, legally executed and recorded as aforesaid, shall be deemed sufficient in law, to pass the title thereto, any law, usage, or custom, to the contrary notwithstanding. [Feb. 15, 1820.]

Records of society.

An ACT in addition to an Act, entitled "An Act to incorporate the Boston Manufacturing Company."

Chap. 121.
1812 ch. 92.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Manufacturing Company be, and the same is hereby authorized to increase its capital stock, by adding thereto, a sum equal to that permitted by the original act of incorporation, or any smaller sum; and may purchase therewith real estate, not however, exceeding in value, one quarter part of the sum hereby permitted to be added, exclusive of buildings and improvements made by said corporation. [Feb. 15, 1820.]

Capital stock increased.

An ACT to change the Name of the Methodist Society, in the First Parish in Lynn, in the County of Essex, and for other purposes.

Chap. 122,
1793 ch. 58.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the name of the Methodist Society, in the First Parish in Lynn, in the County of Essex, shall cease, and the said so-

(V. 1. p. 507.)

Change of
Title.

ciety shall hereafter be known, and called by the name of the First Methodist Society, in Lynn.

May choose
Trustees.

SECT. 2. *Be it further enacted*, That the said society shall, in the month of April, annually, at a legal meeting for that purpose, by a major vote of the pew holders present, each pew holder having one vote, choose five trustees, and three of said trustees shall be a quorum for doing business; and the said trustees shall also, annually, elect from their own body, a treasurer, who shall have charge of all the monies and securities for money, or other property belonging to the said Methodist Society; and also, a clerk, who shall keep a faithful record of all the votes and doings of the said trustees, and record all deeds and transfers of pews, in a book, which shall be kept for that purpose; and the trustees, for the time being, shall have power to give deeds to pew holders, which deeds, after being recorded by the clerk, shall be valid to all intents and purposes, as though they were recorded by the Register of deeds, for the County of Essex. And the said trustees may, on the behalf of the said Methodist Society, hold the lot of land, whereon they have lately built a meeting house, and such other estate, real and personal, as the said society may determine to possess, by purchase, or any donation or legacy, which may be made to the said society: *Provided*, that the annual income of the whole estate of the said society, beside the meeting house and the land under it, shall not exceed two thousand dollars: *Provided also*, that the said meeting house shall always be free, for the use of the Ministers of the Methodist Episcopal Church, in the United States of America, who may, from time to time, be appointed by the annual conference, to preach and expound the word of God, in the said house; to administer the government of the church, to hold society meetings, according to the rules of discipline, which are, or may be adopted by the general conference of the ministers of the said church. And the said trustees may sell and dispose of any property, belonging to the said society, and apply the rents, profits, income and proceeds thereof, in such manner, as will best promote the welfare of the said Methodist Religious Society; and shall also have power to make and establish such rules and by-laws as may be necessary for the well ordering their affairs, the raising of money for the support of their public teachers, and repairs of their chapel, and for calling and notifying their society meetings, from time to time; *provided*, such by-laws and rules, shall not be contrary to the constitution and laws of this Commonwealth.

Society
Meetings.

Quarterly as-
sessments.

SECT. 3. *Be it further enacted*, That all monies voted to be raised, for the support of the ministry and other incidental charges, in and upon said house, by a major vote of the pew holders therein, may be assessed quarterly, by the trustees, upon the pews, according to the appraisal made upon them; and any pew which may be deficient for three quarterly assessments, may be sold by the trustees, at public auction, after giving fourteen days notice of the sale, by posting a notification at the door of said meeting house; and after such deficiency, with incidental costs, shall be paid, the remainder of the

proceeds shall be paid over to the proprietor of said pew ; and any pew holder shall be at liberty to sell his or her pew to one person only ; *provided*, all arrears are first paid.

SECT. 4. *Be it further enacted*, That whenever any vacancy may occur in the board of trustees, by reason of death, resignation or removal out of the town, or for any other cause, the clerk, for the time being, shall notify, and call a meeting of the remaining trustees, as soon as may be ; and the said trustees shall proceed to elect, and by a majority of votes, appoint a person to fill such vacancy, so that the number shall be always five ; and the said trustees may sue, and be sued, plead and be impleaded against, by the name of the Trustees of the First Methodist Society, in Lynn. And the said trustees shall, annually, lay before the said society, an account of the funds, and of their proceedings.

Vacancies to
be filled up.

SECT. 5. *Be it further enacted*, That any Justice of the Peace, for the county of Essex, is hereby empowered, upon application therefor, to issue a warrant, to one of the members of the said society, for calling a meeting thereof, to organize the said society, by the election of its officers, who may then, or at any subsequent meeting, establish the manner of notifying and calling future meetings. [*Feb. 15, 1820.*]

First meeting.

An ACT to alter and establish the Boundary Line, between the towns of Dorchester and Quincy.

Chap. 124.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Neponset river be, and it is hereby established as the boundary line between the towns of Dorchester and Quincy, in the county of Norfolk ; and that all that part of the town of Dorchester, which lies on the southerly side of said river, called Squantum, and the farms, be, and it is hereby set off from the said town of Dorchester, and annexed to the town of Quincy : *Provided nevertheless*, that John Pope, Edmund Pope, Moses Billings and Oliver Billings, with their respective families, and all their lands and estates, lying in said Squantum, and the farms, and also, Thomson's Island, so called, with the inhabitants thereon, shall remain annexed to the town of Dorchester, any thing in this Act to the contrary notwithstanding : *And provided also*, that all lots or parcels of salt marsh, lying in said Squantum, and the farms now owned by the town of Dorchester, in its corporate capacity or by the several inhabitants of said town, shall, so long as they remain the property of any of the inhabitants of said town, be exempt from taxation, by the town of Quincy, but may be taxed by the town of Dorchester, in the same manner as though this Act had not passed.

Boundary.

Provisos.

SECT. 2. *Be it further enacted*, That the town of Quincy shall maintain and support all paupers, who now have, or may hereafter acquire a settlement in each and every part of said Squantum, and the farms, which by this Act, and all former Acts, have been set off from the town of Dorchester, and annexed to the town of Quincy.

Support of
paupers.

SECT. 3. *Be it further enacted*, That the proprietors of lots of upland and marsh, lying in that part of the town of Dorchester,

Payment of
taxes.

which is, by this Act, set off from the said town and annexed to Quincy, shall be holden to pay all taxes, which have been legally assessed on them, by said town of Dorchester, in the same manner as though this Act had not passed. [Feb. 21, 1820.]

Chap. 125.
1801 ch. 59.
(V. 2. p. 502)

An ACT to repeal all laws heretofore made for regulating the Alewife Fishery, in the town of Kingston, in the county of Plymouth, so far as they relate to Jones River, above and including Adams' Mill Dam, so called, and also so far as they relate to Stony Brook, in said town.

Fish laws re-
pealed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws heretofore made regulating the alewife fishery, in the town of Kingston, in the county of Plymouth, so far as they relate to Jones river, above, and including Adams' Mill Dam, so called, and also, so far as they relate to Stony Brook, in said town, be, and the same are hereby repealed. [Feb. 21, 1820.]

Chap. 127.

An ACT to incorporate the Boston Soap Stone Manufactory.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Woodberry, Jonathan Whitney, and William Lancaster, together with such others as may hereafter associate with them, and their successors, shall be, and hereby are made a corporation, by the name of the Boston Soap Stone Manufactory; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements of other manufacturing corporations, as prescribed, and contained in an Act, passed the third day of March, eighteen hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations," and of the Acts subsequent and supplementary thereto. And the said corporation shall continue from the first Monday of March next, until the first Monday of March, which will be in the year of our Lord one thousand eight hundred and forty, and thence afterwards, for the space of one year, for the final settlement of the affairs of the said corporation, but for no other purpose whatsoever.

General pow-
ers.
(1808 ch. 65.)
Limitation of
act.

May hold real
estate.

SECT. 2. *Be it further enacted,* That the said corporation, in their corporate capacity, may lawfully hold and possess real estate, not exceeding five thousand dollars, and personal estate not exceeding twenty thousand dollars, as may be necessary and convenient, for carrying on the manufacture aforesaid. [Feb. 21, 1820.]

Chap. 128.

An ACT to incorporate the First Baptist Society, in Malden.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Wait, Ebenezer Harnden, James Crane, William Oliver, Ezra Holden, Nathaniel Pratt, Jabez Howard, Timothy Bailey, and Edward Newhall, together with such other persons as may hereafter associate with them, and their successors, with their families, polls, and estates, be, and they are hereby incorporated into a religious society, by the name of

the First Baptist Society, in Malden, with all the powers, privileges and immunities, to which parishes are, by law, entitled in this Commonwealth.

SECT. 2. *Be it further enacted*, That said society be, and is hereby authorized and empowered, to sell or lease the pews in the meeting house, belonging to said society, and give deeds to convey the same. And all deeds and conveyances of, and all executions extended on the pews in said meeting house, shall be recorded by the clerk of said society, and being so recorded, shall be considered valid in law. Sale of pews.

SECT. 3. *Be it further enacted*, That said society shall have power to receive, by donation or otherwise, and purchase, hold, and enjoy, such real and personal estate, as they may deem necessary for the due support of religious worship in said society; *provided however*, the same shall not exceed in value the sum of twenty thousand dollars. Real estate limited.

SECT. 4. *Be it further enacted*, That any person of the Baptist denomination, who shall unite in religious worship with said society, by giving in his or her name to the clerk of the town or parish, to which he or she belongs, with a certificate, signed by the minister or clerk of said society, that he or she has actually become a member of, and united in worship with said society, shall, from and after giving in such certificate, with his or her family, polls and estates, be considered members of said society: *Provided however*, that every such person shall be holden to pay his or her proportion of all assessments previously made, for parochial purposes. Conditions of membership.

SECT. 5. *Be it further enacted*, That when any member of said Baptist society, shall see cause to leave the same, and unite in religious worship with any other religious society, and shall give in his or her name to the clerk of said Baptist society, accompanied with a certificate from the minister or clerk of such society as he or she may have joined, shall be considered no longer a member: *Provided however*, in all cases of secession from said society, every such person shall be holden to pay his or her proportion of all assessments unpaid, prior to leaving the same. Terms of secession.

SECT. 6. *Be it further enacted*, That the several meetings, heretofore held by the proprietors of said meeting house, and the proceedings for forming said society, for building their meeting house, and the assessments therefor, be, and the same are hereby confirmed, and made valid in law. Proviso.

SECT. 7. *Be it further enacted*, That the persons named in the first section in this Act, or either of them, may cause the first meeting of said society to be called for any purpose specified by them, by posting up a notification at said meeting house, giving notice of the time and place of said meeting; at which meeting, the society may agree on the mode of notifying future meetings. [*Feb. 21, 1820.*] Confirmation of former proceedings.

An ACT to establish Blanchard's Gun Stock Turning Factory.

Chap. 129.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Scott and James Clark, and their associates, and

Powers and
privileges.

(1808 ch. 65.)

all persons who shall become stockholders in the corporation herein created, be, and they hereby are incorporated and made a body politic, by the name of Blanchard's Gun Stock Turning Factory, with all the powers and rights, vested by law, in manufacturing corporations, and subject, in like manner, as they are, to all the liabilities, limitations, and restrictions, by law, imposed on like corporations in this Commonwealth.

SECT. 2. *Be it further enacted*, That the said corporation may hold and possess real estate, not exceeding in value fifteen thousand dollars. [Feb. 21, 1820.]

Chap. 132.

1795 ch. 8.

1814 ch. 46.

1815 ch. 29.

An Act in addition to the several Acts, regulating the sale of Goods by Public Auction.

Limitations
and restric-
tions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That in all licenses granted to any person to sell goods and chattels, by public auction or outcry, within the town of Boston, in the county of Suffolk, it shall and may be lawful for the selectmen of the said town of Boston, or the major part of them, granting such license, to annex thereto, such conditions, limitations and restrictions, respecting the place or places in said town, at, and within which the person, so licensed, shall and may be allowed and authorized to sell goods and chattels by public auction or outcry, as shall appear to them needful and expedient for the public welfare. And any person who shall sell any goods or chattels whatsoever, by public auction or outcry, at any place within said town of Boston, contrary to the conditions, limitations, or restrictions, contained in, or annexed to such license, shall be liable and subject to the same penalties and forfeitures, to be prosecuted for, and recovered in the same manner as if such person had sold such goods or chattels, by auction or outcry, without any license whatever.

Householders
liable to a fine.

SECT. 2. *Be it further enacted*, That the owner, tenant, or occupant of any house, or store, having the actual possession and controul of the same, who shall allow or permit any person, licensed as aforesaid, to sell any goods or chattels, by public auction or outcry, in his said house or store, or in any apartment, or yard appurtenant to the same, contrary to the conditions, limitations, or restrictions, annexed to the license of such person, shall be liable and subject to the same penalties and forfeitures, to be prosecuted for, and recovered in the same manner as if such owner, occupant, or tenant had knowingly allowed or permitted any unlicensed person to sell any goods or chattels, by public auction or outcry, in his said house or store, or in any apartment or yard appurtenant thereunto.

(1815 ch. 29.)

Former acts
repealed.

SECT. 3. *Be it further enacted*, That the law of this Commonwealth, which was passed on the fifteenth day of June, in the year of our Lord one thousand eight hundred and fifteen, entitled "An Act in addition to an Act, entitled an Act to regulate the sale of goods at public vendue, and to repeal all laws heretofore made for that purpose," shall not apply or be enforced within the town of Boston; and the same, so far as it respects the said town, is hereby repealed. [Feb. 21, 1820.] See 1822 ch. 87. Tax on auctions.

AN ACT to regulate the Fishery in Taunton Great River.

Chap. 133.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, it shall not be lawful for any person or persons, except as is hereinafter provided, to catch shad and alewives, with seines or nets, in Taunton Great River, from the fifteenth day of March to the first day of June, in each year; *provided*, that it shall and may be lawful for the inhabitants of the several towns, situated on said river, to catch shad and alewives, with seines or nets, in said river, with twelve seines or nets only, in the manner following, to wit: the towns of Wellington, Dighton, Somerset, Freetown and Troy, shall each have the right of disposing at public auction, for their own benefit, of the privilege of catching shad and alewives with one seine or net only; the towns of Berkley and Raynham shall each have the right of disposing at public auction, for their own benefit, of the privilege of catching shad and alewives, with two seines or nets only; and the town of Taunton shall have the right of disposing at public auction, for their own benefit, of the privilege of catching shad and alewives, with three seines or nets only, in the river aforesaid, for the time aforesaid; and the purchaser or purchasers of the privileges which shall be located in the towns of Raynham and Taunton shall not have a right to sweep, with a seine or net, more than fifteen rods in length; and the towns of Berkley and Wellington, shall not have a right to sweep, with a seine or net, more than twenty rods in length, and but four days in each week, beginning at four o'clock on Monday morning and ending at four o'clock on Friday morning; the purchaser or purchasers of the privilege or privileges, which shall be located in the town of Dighton, shall have a right to sweep, with a seine or net, thirty rods in length, and no more, five days in each week, beginning at four o'clock on Monday morning and ending at four o'clock on Saturday morning; and the purchaser or purchasers of the privilege or privileges, which shall be located in either of the towns of Somerset, Freetown, or Troy, shall have a right to sweep, with a seine or net, forty rods in length, and no more, five days in each week, beginning at four o'clock on Monday morning and ending at four o'clock on Saturday morning: *And provided also*, that each of the said towns shall, at a legal meeting, between the first day of September and the last day of December, in each year, dispose and make sale of, at public auction, for the next year, and so from year to year, their privilege or privileges, of catching shad and alewives, with seines or nets, in the river aforesaid, for the time aforesaid, to such person or persons as shall offer the most for the same, and give sufficient security for the payment of the purchase money, at such time and in such manner as the respective towns shall order.

Prohibition of fishing.

Sale of privilege.

(See 1822 ch. 38.)

Time of fishing.

SECT. 2. *Be it further enacted*, That the several purchasers of the respective privileges aforesaid, shall select the place where they intend to use their seine or net for the purpose of catching shad and alewives, and shall file a certificate thereof, with

Location of privileges.

the clerk of the town within which they have determined to exercise their said privilege as aforesaid, on or before the first day of March, in each year : *Provided*, that the privilege which shall be purchased of the said town of Somerset, shall be exercised within the limits of said town ; and the person or persons so purchasing and locating the privileges aforesaid, shall have the right to catch shad and alewives in the river aforesaid, for the time aforesaid, and no other person.

Sweep of nets. SECT. 3. *Be it further enacted*, That no purchaser of a privilege, as aforesaid, shall make use of a seine or net for the purpose aforesaid, at any other place in said river, than the place so selected and certified as aforesaid, during the time aforesaid ; and no two seines shall be located or swept within half a mile of Robinson's bridge, so called, in Raynham ; and no seine or net shall be swept more than forty rods on the bank of said river ; and no two seines shall be allowed to be swept within the same limits, on the same side of said river ; and no person whatever, shall be permitted to set any seine, net, weare, or other obstruction, in or across said river, or any part thereof, or any waters connected with said river, (Broad Cove, so called, in Somerset, excepted,) for the purpose of taking shad or alewives, or obstructing their passage along the said river, during the time aforesaid.

Forfeitures SECT. 4. *Be it further enacted*, That if any person or persons, shall draw or sweep with any seine or net, on any day or time, other than as before expressed, or at any other place, than those selected and located as aforesaid ; or shall on any day, or at any place, set any seine or net, weare, or other obstruction, in or across said river, or any part thereof, or any waters connected with the same, (Broad Cove aforesaid, excepted,) with the intention to catch or destroy any of the fish called shad, or alewives, within the time limited in the first section of this Act, he or they shall forfeit and pay fifty dollars for each and every such offence, to be recovered by indictment or information, to the use of the county, in which the offence shall be committed, or by action of debt ; one half thereof, after deducting all necessary expenses of the prosecution, to the use of him or them who shall prosecute or sue for the same, and the other half to the use of the town in which the offence shall be committed.

SECT. 5. *Be it further enacted*, That if any person or persons shall be found sweeping, with any seine or net, or if any seine or net shall be used by any person, contrary to the true intent and meaning of this Act, it shall and may be lawful for any fish wardens or inspectors, to be chosen by virtue of this Act, or the law regulating the fishery in the town of Middleborough, to seize and take such seine or net, and convert and retain the same to his or their own use and benefit, without any suit or process whatsoever ; and if prosecuted therefor, to plead the general issue, and give this Act in evidence, as though the same had been pleaded specially.

SECT. 6. *Be it further enacted*, That the several towns aforesaid, shall, at their annual meetings in the month of March, or

April, choose, by ballot, three or more suitable persons, being freeholders in said town, as fish wardens, whose duty it shall be, jointly and severally, to see that this Act is enforced, and to prosecute for all breaches thereof; and each fish warden, so chosen, shall be sworn to the faithful discharge of his duty: And the said fish wardens when sworn, are authorized to measure seines and nets, and to pursue and execute the duties of their office in any place within the towns aforesaid. And if any person, chosen a fish warden, as aforesaid, shall refuse or neglect to be sworn, as aforesaid, for the space of five days, after he shall be duly notified of his election, as aforesaid, he shall forfeit and pay a fine of ten dollars, to the use of such town, to be recovered by action of debt, by the treasurer thereof, and such town shall proceed to a new choice, and so on, as often as circumstances shall require. And if any of the towns aforesaid, shall neglect to choose fish wardens, as aforesaid, or to make sale of their privileges aforesaid, within the time limited therefor, according to the meaning of this Act, such town shall forfeit and pay a fine of one hundred dollars, for the use of him or them, who shall prosecute for the same.

Fish wardens chosen.

Duty of fish wardens.

Fines on towns.

SECT. 7. *Be it further enacted*, That all the laws heretofore made for the regulation of the fishery in Taunton Great River, (except so far as respects the town of Middleborough,) be, and the same are hereby repealed: *Provided however*, That any prosecutions which have been, or may be commenced, for the recovery of any forfeitures, incurred by virtue of the laws hereby repealed, may be prosecuted to final judgment and execution, in the same manner as if this Act had not been passed: *And provided also*, That all contracts made prior to the passing of this Act, by any of the towns aforesaid, respecting the fishery aforesaid, by virtue, and in pursuance of the laws hereby repealed, shall be valid, to all intents and purposes, this Act to the contrary notwithstanding: *And provided further*, That the inhabitants of the respective towns aforesaid, who have not already disposed of their privileges, as aforesaid, for the present year, by virtue and in pursuance of the laws hereby repealed, shall and may dispose of the same, at any time before the first day of March next. [*Feb. 21, 1820.*] Add. act—1822 ch. 38.

Repeal of laws. (1818 ch. 106.)

Proviso.

An ACT authorizing the Sale and Assessment of the Pews in the Meeting House of the First Congregational Parish, in Lynn. *Chap. 136.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the First Congregational Parish or Society, in Lynn, in the county of Essex, be, and they hereby are authorized and empowered to sell or lease their pews in the meeting house of said parish, and by any Agent, by them duly chosen for that purpose, to give deeds to convey the same to the purchaser or purchasers thereof.

Sale or lease of pews.

SECT. 2. *Be it further enacted*, That the pew holders in said society be, and they hereby are authorized to assess on the pews in said meeting house, such taxes as they, from time to time, shall find necessary; and shall, at a meeting to be called

Assessment of pew taxes.

Lien on meeting house.

for that purpose, vote to assess for the maintenance of public worship and other parochial charges, according to the relative value of said pews; and all assessments so made, shall be considered as a lien on the pews in said meeting house, respectively; and the said pews shall be held liable to be taken and sold for the payment of all such assessments, and for the expenses incurred by such sale, in such manner, and on such conditions as may be established by said society, and which shall be summarily expressed and contained in the deeds of sale of the said pews; and a bill or memorandum of each proprietor's assessment, and of the time or times of payment, signed by the treasurer of said society, for the time being, shall be left in such proprietor's pew, thirty days, at least, before such time of payment; of which fact, the oath of the treasurer, or of the person by him employed for that purpose, shall be sufficient evidence.

Remedies for deficiencies.

SECT. 3. *Be it further enacted*, That if any pew in said house, shall not sell for a sum sufficient to pay the assessment thereon, with the expenses of the sale, the said parish shall have like remedy against the owner or occupant of such pew, for the recovery of the balance, as parishes now have, by law, for the collection of taxes on polls and estates.

SECT. 4. *Be it further enacted*, That all deeds and conveyances of, and all executions extended on the pews in said meeting house, with the returns thereon, shall be recorded by the clerk of said parish, in a book to be provided for that purpose, and shall thereupon be considered valid in law.

SECT. 5. *Be it further enacted*, That nothing in this Act shall be construed, or deemed to take away, or impair the legal rights of said parish; but the same shall, in all other respects, be, and remain the same as though this Act had not been passed. [Feb. 21, 1820.]

Chap. 137.
1815 ch. 111.

An Act regulating the taking of fish, called Alewives, in the Town of Middleborough.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the inhabitants of the town of Middleborough, in the county of Plymouth, to take the fish, called Alewives, at the Old Stone Wear, so called, in said town, on Wednesday, Thursday, Friday and Saturday, of each week, during the time said fish are allowed to pass the aforesaid place, and at no other time, at the place aforesaid; any law to the contrary notwithstanding. [Feb. 21, 1820.]

Chap. 138.

An Act to incorporate The Proprietors of Museum Hall, in the Town of Boston.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Rich, John Heard, jun. Shadrach Shattuck and Alpheus Cary, and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of The Proprietors of Museum Hall:

and the said corporation, by the same name, are hereby declared and made capable, in law, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws, for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, doth or may appertain to bodies politic and corporate, within the meaning and intent of this Act.

SECT. 2. *Be it further enacted*, That the said corporation be, and the same hereby is declared and made capable to have, hold, and possess, by fee simple or lease hold, all that certain real estate, situate in said Boston, bounded and described as follows, viz.: eastwardly on land of the heirs of Samuel Torrey, deceased, two hundred and six feet; southwardly on Cooper's Alley, one hundred and eighty feet; westwardly on land of Brattle Street Church, and land of the heirs of David Bradlee, deceased, two hundred and sixty feet; northwardly on Elm Street, one hundred and eighty feet, together with all the rights and privileges and appurtenances thereof; *provided*, the lawful proprietors thereof shall legally convey the same to the said corporation. And the said corporation shall have power to sell, grant, and alien, in fee simple, or otherwise convey their corporate property, or any part thereof, within said described limits; and to lease, manage, and improve, build, rebuild, pull down or alter the same, according to the will and pleasure of said corporation, expressed by any legal meeting, by said associates, or their assigns, or the major part of them: *Provided always*, That if the said real estate, or any part thereof shall, at any time hereafter, be used for a public market place, for the sale of provisions, the same shall be subject to all the by-laws, orders, rules and regulations, not repugnant to the constitution and laws of this Commonwealth, which the selectmen of the town of Boston shall, from time to time, make and establish, for the regulation of the public market at Faneuil Hall, within the said town of Boston.

Boundaries of
real estate.

General corporate
powers.

SECT. 3. *Be it further enacted*, That the corporate property shall be divided into shares, not exceeding six hundred in number, as the said corporation may find to be most expedient; and the said shares shall be divided among the several proprietors according to the interest and portions which they may respectively have in said corporate property; and certificates of such shares shall be signed by the President of the corporation, and shall be transferable by assignment on the back thereof; and the property in the same shall vest in the assignee or vendee thereof, when a record of such assignment shall be made by the clerk of the corporation; whereupon new certificates shall issue accordingly; and the shares in said corporation shall, in all respects, and at all times, be held as personal estate.

Division of
shares.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of

Assessments.

money as, at a legal meeting held and notified for that purpose, may be deemed necessary for building, rebuilding and repairing or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this Act; *provided*, that all assessments together, shall never exceed two hundred dollars on each share. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public auction, after ten days notice, in a public newspaper printed in Boston, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors; and the purchaser of such share or shares, shall be entitled to receive a certificate of the share or shares by him purchased, accordingly.

Proviso.

Sale of delin-
quent shares.

Liabilities.

SECT. 5. *Be it further enacted*, That the real or mixed estate of said corporation, shall be liable for the debts of the corporation, and to attachment and execution on any judgment against said corporation: And said corporation shall possess the right of equity of redeeming the same, appertaining, by the laws of the Commonwealth, to other real estate.

Regulation of
shares.

SECT. 6. *Be it further enacted*, That in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *Provided always*, That no one member shall ever be entitled to more votes than shall be equal to one third in value of the corporate property. Proprietors may appear and act at any meeting by proxy, in writing.

Meetings.

SECT. 7. *Be it further enacted*, That said Benjamin Rich, John Heard, jun. Shadrach Shattuck, and Alpheus Cary, or either of them, may call a meeting of said corporation, by advertisement in a public newspaper, printed in Boston, ten days, at least, before the time of meeting; and the said corporation may, at such, or any other meeting, agree on the mode of calling future meetings; and shall elect a president and clerk, and all such other officers as they may deem necessary for conducting their corporate affairs and estate; the clerk to be sworn before entering on the duties of his office. [Feb. 21, 1820.]

Chap. 143.

An ACT to alter and change the Names of certain Persons, therein mentioned.

Names chang-
ed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Blake, of Boston, in the County of Suffolk, librarian, son of James Blake, shall be allowed to take the name of Charles Loyd Blake; Betsey G. Bray, of said Boston, single-woman, daughter of John Bray, shall be allowed to take the name of Elizabeth Goodwin Bray; Charles Bullard, of said Boston, son of Eli Bullard, of Framingham, shall be allowed to take the name of Charles Buckminster Bullard; James Russell Dutton, son of Warren Dutton, of said Boston, Esquire,

shall be allowed to take the name of James Dutton Russell; William French, son of Thomas French, of said Boston, shall be allowed to take the name of William Page French; John Howe, of said Boston, victualler, shall be allowed to take the name of John Jay Howe; Henry Jones, son of Ephraim Jones, of said Boston, shall be allowed to take the name of Henry Hartwell Jones; John Vinton, of said Boston, shall be allowed to take the name of John Calder Vinton; Miriam Hayden, of said Boston, shall be allowed to take the name of Miriam Sumner Hayden; Asa Penniman, of Dedham, in the County of Norfolk, shall be allowed to take the name of Henry Asa Penniman; Ezra Prior, of Quincy, in said County of Norfolk, mariner, son of Ezra Prior, late of Duxbury, in the County of Plymouth, deceased, shall be allowed to take the name of Ezra William Prior; Edward Fisher Keith, of Wrentham, in said County of Norfolk, shall be allowed to take the name of Edward Comstock Fisher; Freeman Josselyn, of Pembroke, in the County of Plymouth, shall be allowed to take the name of Freeman Marshall Josselyn; Aurora Oldham, of said Pembroke, shall be allowed to take the name of Aurora Williams Oldham; Nehemiah Stockbridge Tubbs, of said Pembroke, shall be allowed to take the name of Nehemiah Bisbee Stockbridge; Zadoc Leonard, of New Bedford, in the County of Bristol, cabinet maker, shall be allowed to take the name of William Henry Leonard; Eber Baker, of Westport, in said County of Bristol, shall be allowed to take the name of Eber Davis Baker; Perry Maccomber, junior, of Dartmouth, in said county, shall be allowed to take the name of Perry Russell Maccomber; Joseph Long, of Cambridge, in the County of Middlesex, shall be allowed to take the name of Joseph Augustus Edwin Long; Joseph Allen, son of Shobal C. Allen, Esquire, late of Townsend, in said County of Middlesex, deceased, shall be allowed to take the name of Joseph Shobal Allen; and William Allen, son of said Shobal C. Allen, shall be allowed to take the name of William Child Allen; Warwick Palfray, the third, of Salem, in the County of Essex, shall be allowed to take the name of William W. Palfray; Nancy Mackey, of Andover, in said County of Essex, singlewoman, shall be allowed to take the name of Nancy Lois Gardner Mackey; Jonathan Hoar, of New Salem, in the County of Franklin, shall be allowed to take the name of Jonathan Hanson; and Joseph S. Hopy, and Azuby, children of the said Jonathan, shall be allowed to take the surname of Hanson, instead of Hoar; Anthony Logo, of Ashfield, in said County of Franklin, trader, shall be allowed to take the name of John Clark; Nathan Keep, of Longmeadow, in the County of Hampden, shall be allowed to take the name of Nathan Cooley Keep; Winthrop Farrin, of Bath, in the County of Lincoln, shipwright, shall be allowed to take the name of Winthrop G. Farrin; Jonathan Freeman Dana, of Cambridge aforesaid, physician, shall be allowed to take the name of James Freeman Dana; Henry Andrews, of said Boston, shall be allowed to take the name of Henry Perkins Andrews; Job Pierce

Porter, of Middleborough, in said County of Plymouth, shall be allowed to take the name of Job Pierce; and Babbit Blanchard, of Harvard, in the County of Worcester, shall be allowed to take the name of Grove B. Blanchard; and the said persons, from the time of the passing of this Act, shall be called and known by the names, which, by this Act, they are severally allowed to take as aforesaid, and the same shall be considered as their only proper and legal names, to all intents and purposes. [Feb. 21, 1820.]

Chap. 145.

An ACT to incorporate the Proprietors of Pleasant Hill Bridge.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles Barrell, Henry F. Barrell, George Barrell and Samuel Brown Barrell, together with those who shall hereafter associate with them, with their successors and assigns, be, and hereby are constituted a corporation and body politic, by the name of the proprietors of the Pleasant Hill Bridge, for the purpose of erecting a bridge over Miller's river, from the termination of Bridge street, at Lechmere's Point, in Cambridge, in the county of Middlesex, to the land lying on the opposite side of said river; *provided*, said bridge be eighteen feet in width, be provided with a convenient draw for the passing of vessels, and that the same, within the term of three years, from the passing of this Act, shall be built, kept open, and made convenient, safe, and free, for the accommodation of all travellers.

Proviso.

Conditions of
building
Bridge.

SECT. 2. *Be it further enacted,* That any person or persons, who, after the first day of April next, shall be the owners of the land on the northerly side of said river, shall also have the privilege and right of building such bridge, if said corporation shall, upon request, neglect or refuse to erect the same, within six months from the time of such request. [Feb. 22, 1820.]

Chap. 146.

An ACT to incorporate the Columbian Insurance Company.

Persons incor-
porated.

General pow-
ers.

1817 ch. 120.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel P. Russell, Benjamin P. Homer, and Caleb Loring, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Columbian Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An Act to define the powers, duties, and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this Act; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure, and may purchase, hold and convey any es-

tate, real or personal, for the use of said company ; *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

SECT. 2. *Be it further enacted*, That the capital stock of said company, shall be not less than one hundred thousand dollars, nor more than three hundred thousand, and shall be divided into shares of one hundred dollars each ; fifty per centum of which shall be paid in money, within sixty days after the first meeting of said company, and the residue, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint. Capital stock.

SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth ; and shall be elected on the second Monday of January, in each and every year, at such time of the day, and in such place, in the town of Boston, as a majority of the directors, for the time being, shall appoint ; of which election, public notice shall be given in two of the newspapers printed in the town of Boston, and continued for the space of ten days, immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock ; *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed. Directors.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be after every election, and shall choose, out of their body, one person to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled for the remainder of the year, in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors. Limitation of votes.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five directors, in the absence of the president, shall be a board, competent for the transaction of business ; and all questions before them, shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said com- Choice of President.
Vacancies to be filled up.
Power of Directors.

pany, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a secretary and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *Provided*, such by-laws and regulations, shall not be repugnant to the constitution and laws of this Commonwealth.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing a first board of directors, who shall continue in office until the second Monday of January, in the year of our Lord, then next ensuing.

Insurance
against Fire.

SECT. 7. *Be it further enacted*, That the said company is hereby authorized to make insurance against fire, on such terms and conditions as the parties may agree, on any dwelling house or other buildings, as well as on any other property within the United States of America: *Provided*, that no greater sum shall be insured on any one risk of fire, than ten per centum of the amount of the capital stock of said corporation actually paid in. [*Feb. 22, 1820.*]

Chap. 147.

AN ACT to establish the Town of Hanson.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the west part of the town of Pembroke, in the county of Plymouth, on the westerly side of the following line, be incorporated into a separate town, by the name of Hanson; beginning at the mouth of Rocky Run Brook, so called; thence up stream, with said brook, until it comes to the road near Nathan Dwelly's; thence on a line, to strike the north-west corner of the land of Samuel Perry, in the line of the land of Seth Perry; thence with the lands of said Samuel and Seth Perry, to Oldham's Pond, so called; thence to the north-east corner of the land of Micah Foster, on the southerly side of said pond; thence by the line of the said Foster's land, to Indian Head Pond, so called; thence southerly, on the margin of said pond, to the land of Levi Everson; thence easterly by said Everson's land, to the road near the Baptist Meeting House; thence on the northerly side of the road, to the house of John Oldham; and thence crossing the road to the southerly side, and by said road, to a corner between the houses of Levi Thomas and Levi Everson, and is a corner at which the Plymouth road commences; thence southerly to the south-east corner of Levi Everson's store lot, so called; thence southerly, on a course to strike the southerly corner of the east and west parishes on the Halifax line, with all the inhabitants living thereon, be, and hereby are incorporated into a

separate town, by the name of Hanson, with all the powers and privileges, and subject to all the duties, that towns within this Commonwealth, do or may enjoy, or be subject to. Powers and privileges.

SECT. 2. *Be it further enacted*, That the inhabitants of the said town of Hanson, shall pay all the arrears of taxes, which have been assessed upon them by the town of Pembroke, together with their proportion of all debts due from said town of Pembroke, and shall be entitled to receive their proportion of all taxes, debts and monies, now due to said town of Pembroke, of what kind or description soever; and the apportionment of all debts, dues, taxes and other public property, between the said towns of Pembroke and Hanson, shall be made according to the proportion the east and west parish in Pembroke stood in the last valuation. Taxes proportioned.

SECT. 3. *Be it further enacted*, That the poor, now supported by the town of Pembroke, and all such who may hereafter be returned for support, in virtue of having acquired a settlement in said town, shall be supported in the town of Pembroke or Hanson, as they shall have acquired their settlement within the territorial limits of either town, as described by this Act. Support of the poor.

SECT. 4. *Be it further enacted*, That the alewife fishery in the town of Pembroke, having been resigned by the town of Hanson, to the town of Pembroke, shall be under the sole control of said town of Pembroke; but the inhabitants of the town of Hanson shall be entitled to the privilege of purchasing fish, in the same manner and order as now practised; said town of Hanson resigning all their right to the proceeds of the fish, and are hereby exonerated from all charge and expense in regulating and taking the same. Fisheries.
(Explained
1821 ch. 83.)

SECT. 5. *Be it further enacted*, That Thomas Hobart, Esquire, be, and he is hereby empowered to issue his warrant, directed to some principal inhabitant of the town of Hanson, requiring him to notify and warn the inhabitants of the said town of Hanson, to assemble and meet at some convenient time and place, in said town, to choose all such officers, as towns are required to choose, in the months of March and April, annually, and to do and transact any other business relative to the affairs of said town, as may be necessary. [Feb. 22, 1820.] Further act—1821 ch. 83. Choice of Officers.

An Act to incorporate the Boston Society for the Religious and Moral Instruction of the Poor.

Chap. 149.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Salisbury, Sereno E. Dwight, William Jenks, William Thurston, Thomas Vose, Samuel T. Armstrong, Pliny Cutler, John Hopkins, Charles Cleaveland, Henry Homes, John C. Proctor, and Samuel Train, with their associates, and such other persons as may hereafter, from time to time, become members of said society, according to its rules and by-laws, to be hereafter established, be, and they hereby Persons incorporated.

General powers.

are incorporated into a society, for the purpose of the religious and moral instruction of the poor, by the name of the Boston Society for the Religious and Moral Instruction of the Poor, with the usual powers of corporations of the like nature; and by that name, shall be forever a body politic and corporate, with power to establish by-laws and orders, for the regulation of the society, the orderly conducting and executing the business thereof; *provided*, the same be not repugnant to the constitution or laws of this Commonwealth: to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase, devise or otherwise, for the sole benefit of the said institution: *Provided*, the value of the whole estate of said society, real and personal, shall never exceed twenty thousand dollars.

Election of Officers.

SECT. 2. *Be it further enacted*, That a president, a treasurer, and such other officers of said society, as the by-laws thereof may direct, shall be elected, from time to time, by ballot, at such times, as the said by-laws shall appoint for that purpose; and the mode of supplying vacancies, in any of said offices, shall also be prescribed by the said by-laws.

SECT. 3. *Be it further enacted*, That all deeds, conveyances, contracts and other instruments duly executed, and signed by the president, and attested by the treasurer of said society, pursuant to any vote of said corporation, shall be valid and binding, and sufficient to convey lands or other property.

First meeting.

SECT. 4. *Be it further enacted*, That Josiah Salisbury, Sereno E. Dwight, and William Jenks, be, and they hereby are authorized, by public notice in two of the newspapers published in Boston, to call the first meeting of the members of said society, at such time and place, as they shall judge proper; and at the said first meeting, the times of holding stated meetings of the said society, and of electing officers, and the mode of calling special meetings, and of notifying stated and special meetings, shall be determined, by a vote of the majority of the members present.

SECT. 5. *Be it further enacted*, That the present officers of said association, shall continue to execute their several duties, until an election shall have taken place, pursuant to the by-laws, to be established according to this act. [Feb. 21, 1820.]

Chap. 150.

An ACT to incorporate the Wolcott Woollen Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Wolcott, junior, Samuel A. Groves, and Perez B. Wolcott, of Southbridge, in the County of Worcester, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Wolcott Woollen Manufacturing Company for the purpose of manufacturing wool, in the town of Southbridge, in the County of Worcester; and for the purpose aforesaid, shall have all the powers and privileges, and shall be subject to all the duties and require-

Powers and privileges.

ments, prescribed and contained in an Act, entitled "An Act defining the general powers of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine. 1809 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation, in their corporate capacity, shall and may hold and possess real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of wool, in said town of Southbridge. [Feb. 24, 1820.] Add. act—1821 ch. 69. (Increased 1821 ch. 69.)
Limitation of real estate.

An ACT to incorporate the First Universalist Society, in Roxbury.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Hannaford, Elisha Wheeler, Samuel S. Williams, Haman Brown, Charles Joy, Samuel Parker, Harford Morse, Luther Morse, Lewis Morse, Joseph Stratton, Joshua Sampson, Robert Edwards, W. J. Newman, Joseph James, Mark P. Swett, Ebenezer Brewer, Jesse Jordon, Joel W. Gay, Frederick Chandler, Opher Haynes, Isaac Gale, Warren Marsh, Jesse Brown, Jane Cheney, Jonathan Williams, Joseph May, Aaron White Bugbee, Lott Young, Ebenezer Goddard, junior, James Riley, William Cobb, Eleb Faxon, Thomas Mayo, William Dove, Aaron Bartlett, Samuel Langley, John Bodge, William Lingham, Benjamin Mirick, Josiah Richardson, Luther Newell, Enoch Davenport, and Elisha Whitney, and all others who may associate with them, be, and they hereby are incorporated as a religious society, by the name of the First Universalist Society, in Roxbury, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth, are entitled by law. Chap. 151.

Persons incorporated.

Powers and privileges.

SECT. 2. *Be it further enacted*, That the said society shall be capable in law, to purchase, hold and dispose of any estate, real or personal, for the use of said society; *provided*, the annual income thereof, shall not exceed, at any time, the sum of two thousand dollars. May hold real estate.

SECT. 3. *Be it further enacted*, That the said society, may have power to order and establish such regulations, rules and by-laws, for their government, and for the management of their concerns, as they may see fit; *provided*, the same are not repugnant to the laws of this Commonwealth; *and provided also*, that the assessments on any share, for erecting a house of public worship, shall not exceed fifty dollars. By-Laws.

SECT. 4. *Be it further enacted*, That all taxes for the support of public worship, shall be levied and collected on the pews in said house, in such manner as the society shall hereafter determine.

SECT. 5. *Be it further enacted*, That any Justice of the Peace, for the County of Norfolk, be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof, to meet at such convenient time and place, in said town of Roxbury, as shall be therein directed, to choose a moderator, a clerk, a treasurer. First meeting.

er, and such other officers, committee or committees, as they shall think needful: And the moderator so chosen, and moderators chosen at any future meetings of the said society, shall have authority to administer the oaths of office to the clerk, and any other officer, which the said society shall think proper to elect; and from whom the said society may think it necessary and proper, by a vote, in any of its meetings, to require an oath for the faithful discharge of the duties of their office. [Feb. 24, 1820.]

Chap. 152. An ACT in further addition to an Act, entitled "An Act to incorporate certain persons into a Company, by the name of the South Boston Association."

1805 ch. 9.
(V. 3. p. 607.)
1814 ch. 103.

Act continued.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Act, made and passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and five, entitled "An Act to incorporate certain persons into a company, by the name of the South Boston Association," be, and the same hereby is continued in force until the fourteenth day of June, which will be in the year of our Lord one thousand eight hundred and twenty-five, any thing in the Act, to which this is in further addition, to the contrary notwithstanding. [Feb. 24, 1820.]

Chap. 154. An ACT authorizing the Taxing of Pews, in the Congregational Meeting House, in Douglas.

Pew Taxes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the members of the Congregational Society, in the town of Douglas, in the County of Worcester, be, and they hereby are empowered to raise any sum or sums of money, which the said members may, hereafter, at any legal meeting, called for the purpose, vote to raise, for the support of a Gospel Minister in said society, and for other necessary expenses, by a tax upon the pews and pew grounds, in said meeting house.

Valuation of Pews.

SECT. 2. *Be it further enacted,* That for the equitable apportionment of the taxes to be assessed on said pews and pew grounds, the members of said society shall cause a valuation thereof to be made, by a committee, to be chosen by them, for that purpose; and the report of that committee, stating the numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation, as aforesaid; and the sums, voted to be raised on said pews, shall be apportioned and assessed thereon, by the assessors for the time being, according to such valuation.

Collection of Pew Taxes.

SECT. 3. *Be it further enacted,* That the assessors of said society, shall make out a fair list of the taxes assessed on pews and pew grounds, according to this act, and commit said list to the treasurer of the society, to receive and collect the taxes; and it shall be the duty of the treasurer, as soon as may be, after receiving said list, to give notice thereof, by posting a copy of said list at said meeting house door, stating the number of each pew, and the amount of taxes set against it, with a notification thereon written, for persons interested in said pews, to pay the tax upon the same, within thirty days from

the date of said notification; and if the tax upon any pew shall not be paid to the treasurer, within thirty days, according to his notification as aforesaid, it shall be the duty of the treasurer, and he is hereby empowered to sell the pew, upon which such tax or any part of it shall remain unpaid, at public auction, to the highest bidder; and his deed to the purchaser, recorded in the records of the society, shall give to the purchaser a perfect right and title to said pew; and he or she shall afterwards be considered the legal owner thereof: *Provided, however*, that the treasurer shall, after the expiration of said thirty days, give, at least, ten days notice of the time and place of vendue, by posting up one advertisement at said meeting house, and one at some other public place in said town, stating the number of the pew to be sold, and the tax due upon it.

Sale of delinquents' Pews.

SECT. 4. *Be it further enacted*, That in case an adjournment of the sale of pews, shall appear to the treasurer to be necessary, he may adjourn his sale for a time, not exceeding seven days at a time, until his sales are completed; and in all cases, he shall pay over, on demand, to the former owner of pews, the balance in his hands, arising from the sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same. [Feb. 24, 1820.]

Balances paid over.

An ACT to annex Zachariah Gage, and others, to the Third Congregational Society, in Beverly, and to annex Billy Patch to the First Parish in said town.

Chap. 4.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Zachariah Gage, Benjamin Trask, 2d, Dixy Woodberry, Obed Woodberry, 2d, Robert Woodberry, junior, Osmon Gage, Nancy Ingersoll, Judith Cox, Lydia Haskell, Nathaniel Allen, Mary Obear, Thomas Elliot, Benjamin Knowlton, 3d, James Haskell, 2d, Zachariah P. Symmes, Mary Lamson and Hannah Boyles, of Beverly, in the County of Essex, with their families, polls, and estates, be, and hereby are set off from the First Parish, or whatever religious society they may be supposed to belong to, within the limits of the said First Parish, and annexed to the Third Congregational Society, in said Beverly; *provided*, that they be severally held to pay all taxes already legally assessed on them, and due to the said First Parish, prior to the date of this act.

Persons annexed.

Proviso.

SECT. 2. *Be it further enacted*, That Billy Patch, of Beverly, with his family, polls, and estate, be, and hereby is set off from said Third Congregational Society, and annexed to the said First Parish; *provided*, that said Billy Patch be held to pay all taxes already legally assessed on him, and due to said society, prior to the date of this act. [June 14, 1820.]

An ACT in further addition to an Act, entitled "An Act in addition to the several Acts for establishing the Housatonuck Turnpike Corporation, and the Hudson Turnpike Corporation."

Chap. 5.

1805 ch. 58.

1807 ch. 93. 94.

1808 ch. 49.

1815 ch. 24.

1816 ch. 34.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That

Removal of
Gate.

the Housatonuck Turnpike Corporation be, and they are hereby empowered to remove their west gate, which now stands on the west side of West Stockbridge Mountain, so called, near the east line of West Stockbridge, on the road belonging to the said Corporation; eastwardly, between the place where the said gate now stands, and the east line of Daniel Phelps' land, on the south side of said turnpike road, a few rods east of said Phelps' dwelling house, in Stockbridge; any thing in the act, defining the general powers and duties of Turnpike Corporations, to the contrary, notwithstanding; and the said Corporation shall be subject to the same restrictions, limitations and conditions, and entitled to the same privileges, rights, and emoluments, as it regards the gate so removed, as they are entitled or subjected to, in the act to which this is in addition, passed the nineteenth day of June, eighteen hundred and sixteen. [June 14, 1820.]

Chap. 6.

An ACT to annex Moses Fuller and others, to the West Parish in Medway.

Persons annex-
ed.

Duties and
privileges.

Persons set off.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Bullard, Nathan Bullard, and Luther Green, of Medway, in the County of Norfolk, with their families and estates, be, and they are hereby set off, from the East Parish in Medway, and annexed to the West Parish in Medway aforesaid; and shall hereafter be liable to all the duties, and entitled to all the privileges, in said parish, which they would have been in the parishes to which they respectively belonged.

SECT. 2. *Be it further enacted,* That Moses Fuller, of Franklin, in said county, with his family and estate, be, and he hereby is set off from Franklin, and annexed to the West Parish in Medway, for parochial purposes only; *provided nevertheless,* that they be held to pay all legal taxes, and arrearages of taxes already granted, or assessed upon them, by the said First Parish in Franklin, and the said East Parish in Medway. And this act shall continue in force, as it respects the real estate of the said Moses Fuller, so long as he shall own, occupy and possess said estate in Franklin, and no longer. June 14, 1820.]

Chap. 7.
1818 ch. 103.

An ACT to change the name of the Town of Parsons.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the town of Parsons, in the County of Essex, shall cease, and the said town shall hereafter be called and known, by the name of West Newbury, any law to the contrary, notwithstanding. [June 14, 1820.]

Chap. 8.

An ACT to incorporate the Proprietors of the Essex Canal.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Story, 4th, Jacob Story, Parker Burnham, Junior, Jonathan Burnham, Jonathan Story, Benjamin Burnham, junior, John Dexter, Dudley Choate, Enoch Low,

Winthrop Low, George Choate, Abel Story, David Story, Joshua Low, Adam Boyd, Samuel Burnham, Francis Burnham, Perkins Story, Jacob Burnham, junior, Moses Marshall, William Andrews, junior, Joseph Choate, Ebenezer Burnham, junior, Epes Story, Nathan Burnham, Robert Crowell, and Tristram Brown, their associates, successors, and assigns, together with all others who may hereafter associate with them, be, and they are hereby made a Corporation, and body politic, forever, by the name and style of the Proprietors of the Essex Canal; and by that name, may sue and be sued, prosecute and be prosecuted, to final judgment and execution; and do, and suffer, all other acts and things, which bodies politic may, and ought, to do and suffer; and the said Corporation shall have power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

General powers.

SECT. 2. *Be it further enacted*, That any three of the persons above named, may call the first meeting of said proprietors, to be held in some suitable place, by posting up advertisements in the towns of Essex and Ipswich, seven days, at least, prior to the time appointed for such meeting; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, shall have power to choose a Clerk and Treasurer, who shall be severally sworn to the faithful discharge of the duties of their respective offices; which clerk shall record this act, and truly and fairly record all rules, regulations and votes of said corporation; and the said corporation may, at the same, or any subsequent meeting, choose a president, and such other officers, agents, and servants, and invest them with such power and authority as may be found necessary for managing the business of said corporation, and agree upon a method of calling future meetings; also have power to transact any business for the benefit of said corporation, and to assess and recover reasonable fines and penalties of the members of said corporation, for any breach of such rules and regulations, as they may adopt, not exceeding ten dollars for any one breach; *provided*, such rules and regulations shall not, in any case, be repugnant to the constitution and laws of this Commonwealth.

First meeting.

Officers to be chosen.

Powers and obligations of Officers.

Proviso.

SECT. 3. *Be it further enacted*, That said corporation shall have power to explore, mark, and lay out, a parcel of marsh, two rods wide, across the marshes from Fox Creek, so called, in Ipswich River, to Essex River, in any direction, which may be most convenient for them, by making the owners thereof a reasonable compensation for the same, (which compensation, if said owners and corporation cannot agree upon, shall be decided by three disinterested freeholders, living within the vicinity of said marshes, one to be appointed by each party, and the third by those two, and the cost to be paid equally by the parties,) through and over which they may dig, make and complete a Canal, of suitable depth and width, for the passage of boats and rafts, drawing four or

Corporate powers.

more feet of water, and to make such locks and gates as may be convenient or necessary, for the purpose of this act.

Fines for trespasses.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or contrary to law, take up, remove, break down, dig under, or otherwise injure any part of said Canal, or any work or works connected with or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to said corporation treble such damages as said proprietors shall, to the justice, or court and jury, before whom the trial shall be, make appear, that they have sustained, by means of the said trespass, to be sued for, and recovered, with costs, in any court proper to try the same; and such offender or offenders shall further be liable to indictment for such trespass or trespasses; and on conviction thereof, shall be sentenced to pay a fine, to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

Division of shares.

SECT. 5. *Be it further enacted*, That the stock and property of said corporation, shall be divided into thirty shares, certificates of which shall issue under the seal of said corporation, and be signed by the president and treasurer thereof; and the said shares shall be deemed and taken to be personal estate, and may be transferred by indorsement; and said transfers shall be recorded by the clerk of said corporation; and the said corporation may make assessments on the shares, for the purpose of effecting the object of the corporation; *Provided however*, that the whole amount of the assessments on each share, after deducting the amount of all dividends, previously declared thereon, shall not exceed the sum of twenty-five dollars; and in case the amount of twenty-five dollars so assessed on each share, will not supply the necessary funds, the corporation may raise the funds required, by selling any shares not subscribed for, or by creating and selling any necessary number of shares, over and above the said thirty. And if the proprietor of any share or shares, shall neglect or refuse to pay any assessment, for the term of thirty days after the same hath become due, the share or shares on which there is a delinquency, may be sold at public auction, notice of the time and place of sale being given by the treasurer of said Corporation, by posting up advertisements thereof, in two or more public places, in the towns of Essex and Ipswich, ten days, at least, previous to the time of such sale; and the proceeds of such sale shall be applied to the payments due on the share or shares, so sold, with incidental charges; and the surplus, if any, shall be paid to the former owner, or his legal representative, on demand; and such sale shall give a good and complete title to the purchaser or purchasers, of such share or shares, and he shall receive a new certificate thereof, which shall be recorded by the clerk of said corporation; or the said corporation may recover the amount of such assessments, and interest, with costs, in an action of debt, in any court having jurisdiction thereof, as they shall elect and determine.

Proviso.

Assessments.

Delinquent shares sold.

Assessments may be sued for.

SECT. 6. *Be it further enacted*, That the said corporation

shall be entitled to ask and receive, for their sole benefit, of and from all rafts and boats, passing through said canal, fees or toll, not exceeding the following rates, viz: For all rafts of timber, thirty cents per ton; for all rafts of sawed lumber, of one inch thickness, seventy-five cents per thousand feet; and other sawed lumber, in proportion, according to its thickness; for every thousand shingles, twelve and half cents; for every cord of fire wood, fifty cents; and other lumber, such reasonable toll in proportion, as the corporation shall determine. For a gondola, twenty cents per ton, on its capacity to carry; for a pair of freighting canoes, seventy-five cents; for smaller boats, fifty cents each; for a sail boat, if over two tons, twenty-five cents per ton; and the said toll shall commence as soon as said canal shall be passable for rafts and boats, and be collected as shall be prescribed by said corporation: *Provided* however, that the fees or toll, shall at all times hereafter, be subject to the revision or alteration of the Legislature.

Rates of Toll.

Proviso.

SECT. 7. *Be it further enacted*, That it shall be the duty of said Corporation, to make and keep in good repair, at all times, a good and sufficient bridge, with a draw, over said canal, where the causeway now crosses the marsh, which may be taken for the same, for the passage of teams and carriages, and every thing else necessary for the public convenience, toll free.

Draw Bridge to be made.

SECT. 8. *Be it further enacted*, That if the said corporation shall not complete a canal, as aforesaid, passable for rafts and boats, drawing four or more feet of water, within four years from and after the passing of this act, the same shall be void. [June 15, 1820.]

An ACT to incorporate the Trustees of the Ministerial Fund, in the First Parish in West Springfield. Chap. 9.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Lathrop, James Kent, and Justin Ely, all inhabitants of the First Parish in West Springfield, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the First Parish in West Springfield; and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to corporations of a like nature.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said Trustees shall have power to take and receive into their hands and possession, the whole of the funds at present belonging to said parish, and to sell the ministry lands, or any part thereof, belonging to said parish, at such time, and in such manner, as the inhabitants of said parish shall authorize and direct, and to make and execute deeds thereof to the purchasers; and may receive and hold such further subscriptions, donations, grants, bequests, and devises as may hereafter be made to them, or to the inhabitants of said parish; the interest of which fund

General powers.

Proviso.

shall be forever appropriated annually towards the support of such Congregational Minister as shall or may from time to time be ordained over the church and society in said parish; *provided however*, the annual income of said fund shall not exceed twelve hundred dollars; *and provided also*, that if the income of the said fund shall, at any time, exceed the amount of the annual salary of the Minister, the surplus may be appropriated, under a vote of the parish, to the promotion and encouragement of church music, and other parochial expenses.

Trustees.

SECT. 3. *Be it further enacted*, That the inhabitants of said parish, at any legal meeting to be called for that purpose, within one year from the passing of this act, may increase the number of trustees, by electing, by ballot, an additional number, not exceeding four, to those named in this act. And if the said inhabitants shall neglect to make such election, the trustees herein named are hereby authorized, if they see fit, to choose an additional number of trustees, so that the whole number shall never exceed seven. And in all cases, the attendance of a majority of the board of trustees shall be requisite for the transaction of business.

Vacancies to be filled up.

SECT. 4. *Be it further enacted*, That whenever any vacancy shall happen among said trustees, by death, resignation, removal, or otherwise, the said parish, at any legal meeting called for that purpose, may fill up the vacancy. But if the parish shall neglect to fill up any such vacancy, for the space of three months after it shall happen, the said trustees are authorized to elect some suitable inhabitant of said parish, to fill up the vacancy in their board.

Officers.

SECT. 5. *Be it further enacted*, That the said Trustees shall appoint a clerk, who shall be under oath, faithfully to record all the votes and transactions of the board; and a treasurer, who shall give bond to the trustees and their successors, with sufficient surety, with condition to do and perform all the duties incumbent on him as treasurer; which officers shall hold their respective offices until others shall be chosen to succeed them.

SECT. 6. *Be it further enacted*, That the records and proceedings of the trustees shall at all times be open to the inspection of any committee that may be appointed for that purpose, on behalf of the parish; and the trustees shall, whenever called upon by a vote of the parish, make a report of the state of the fund. And if the said trustees, or either of them, shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall be severally responsible to the parish to make good such loss, out of their private estate.

First meeting.

SECT. 6. *Be it further enacted*, That Samuel Lathrop, Esquire, be, and he hereby is authorized to call the first meeting of the trustees. [June 15, 1820.]

Chap. 10.

AN ACT to establish the Wilbraham Turnpike.

BE it enacted by the Senate and House of Representatives, in

General Court assembled, and by the authority of the same, That Abel Bliss, junior, William Clark, Aaron Woodward, John Adams, junior, Ebenezer R. Warner, Moses Burt, Pyncheon Bliss, and John Glover, together with such others as have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, for making a Turnpike Road through Wilbraham, to the line between this state and Connecticut, beginning at the west end of First Massachusetts Turnpike, and extending thence in a south westerly course, through Wilbraham Street, near to the house of John Adams, junior, in said Wilbraham; thence south, about twenty-eight degrees west, or generally in that direction, as shall be found by the committee appointed to mark said Turnpike Road, in the most convenient place, for the public, through said Wilbraham, and a part of Longmeadow, to the line between the states of Massachusetts and Connecticut, in a direction for the house of Calvin Hall, in Somers; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties, prescribed and contained in an act, passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, entitled "An Act defining the general powers and duties of Turnpike corporations;" and also of the several acts subsequent, and in addition thereto: *Provided however*, that the said Turnpike Road, from the First Massachusetts Turnpike to the house of John Adams, junior, may be only three rods in width: *And provided, also*, that if the said corporation neglect to make and complete the said Turnpike Road, for the space of five years from the passing of this act, it shall then be void and of no effect. [June 16, 1820.]

Persons incorporated.

Boundaries.

General powers.

1804 ch. 125.

Proviso.

An Act to incorporate the Baptist Society, in Leicester.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Sprague, Jeremiah Pratt, Henry King, Ebenezer Dunbar, Daniel Woodward, Henry King, junior, Richard Bond, Elkhanah Haven, Abner Dunbar, Lebeus Turner, James Collar, junior, David Parker, William Rowland, Daniel Muzzy, Hezekiah Stone, Nathan Crage, Joshua Lamb, Jacob Bond, Salem Livermore, Jonathan Warren, junior, Samuel Cutler, Willard Converse, and Ephraim Copeland, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the Baptist Society, in Leicester, with all the privileges, powers, rights and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That whenever any person, belonging to said society, shall incline to withdraw therefrom, by signifying such his desire, in writing, to the Clerk of said Baptist Society, and by notifying thereof the Clerk of the town in which he resides, he, with his polls and estates, shall be discharged from said Baptist Society: *Provided however*, that such

Terms of secession.

Proviso.

Proviso.

shall be forever appropriated annually towards the support of such Congregational Minister as shall or may from time to time be ordained over the church and society in said parish; *provided however*, the annual income of said fund shall not exceed twelve hundred dollars; *and provided also*, that if the income of the said fund shall, at any time, exceed the amount of the annual salary of the Minister, the surplus may be appropriated, under a vote of the parish, to the promotion and encouragement of church music, and other parochial expenses.

Trustees.

SECT. 3. *Be it further enacted*, That the inhabitants of said parish, at any legal meeting to be called for that purpose, within one year from the passing of this act, may increase the number of trustees, by electing, by ballot, an additional number, not exceeding four, to those named in this act. And if the said inhabitants shall neglect to make such election, the trustees herein named are hereby authorized, if they see fit, to choose an additional number of trustees, so that the whole number shall never exceed seven. And in all cases, the attendance of a majority of the board of trustees shall be requisite for the transaction of business.

Vacancies to be filled up.

SECT. 4. *Be it further enacted*, That whenever any vacancy shall happen among said trustees, by death, resignation, removal, or otherwise, the said parish, at any legal meeting called for that purpose, may fill up the vacancy. But if the parish shall neglect to fill up any such vacancy, for the space of three months after it shall happen, the said trustees are authorized to elect some suitable inhabitant of said parish, to fill up the vacancy in their board.

Officers.

SECT. 5. *Be it further enacted*, That the said Trustees shall appoint a clerk, who shall be under oath, faithfully to record all the votes and transactions of the board; and a treasurer, who shall give bond to the trustees and their successors, with sufficient surety, with condition to do and perform all the duties incumbent on him as treasurer; which officers shall hold their respective offices until others shall be chosen to succeed them.

SECT. 6. *Be it further enacted*, That the records and proceedings of the trustees shall at all times be open to the inspection of any committee that may be appointed for that purpose, on behalf of the parish; and the trustees shall, whenever called upon by a vote of the parish, make a report of the state of the fund. And if the said trustees, or either of them, shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall be severally responsible to the parish to make good such loss, out of their private estate.

First meeting.

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Persons incorporated.

Boundaries.

General powers.

1804 ch. 125.

Proviso.

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Chap. 11.

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Persons incorporated.

General powers.

SECT. 2. *Be it further enacted, That* whenever any person, belonging to said society, shall incline to withdraw therefrom, by signifying such his desire, in writing, to the Clerk of said Baptist Society, and by notifying thereof the Clerk of the town in which he resides, he, with his polls and estates, shall be discharged from said Baptist Society: *Provided* however, that such

Terms of secession.

Proviso.

Vacancies
filled up.

Director, such vacancy or vacancies, shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of Directors.

By-Laws.

SECT. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors in the absence of the President, shall be a Board competent for the transaction of business, and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance ; and also shall have power to appoint a Secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet : *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Salaries.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said Company, as soon as may be, in Boston, by advertising the same for two successive weeks, in two of the newspapers, printed in Boston, for the purpose of electing a first Board of Directors, who shall continue in office until the second Monday in January, in the year of our Lord then next ensuing.

SECT. 7. *Be it further enacted*, That the said company is hereby authorized to make insurance against fire, on such terms and conditions as the parties may agree, on any dwelling house or other buildings, as well as any other property, within the United States of America : *Provided*, that no greater sum shall be insured on any one risk of fire, than ten per centum of the amount of the capital stock of said corporation actually paid in. [June 16, 1820.]

Chap. 17.

An Act to incorporate the Essex Street Church.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Parker, James Millidge, Joshua Bean, and Joseph Morton, inhabitants of the town of Boston, their associates, successors and assigns, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Essex Street Church.

General pow-
ers.

SECT. 2. *Be it further enacted*, That said Corporation may have and use a common seal, and the same may break, alter, and renew, at pleasure ; shall be capable of suing and being sued, in any actions, real, personal and mixed, in any Court proper to try the same ; shall and may take and hold, in fee simple, or otherwise, by gift, grant, devise or purchase, any es-

tate, real or personal, the aggregate annual income of which shall not exceed four thousand dollars, and may sell and dispose thereof at pleasure. [June 16, 1820.]

An ACT to annex Asa Parker and Elijah Saunderson to the Second Congregational Parish, in Deerfield.

Chap. 18.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa Parker and Elijah Saunderson, of Whately, in the County of Franklin, together with their polls and estates, be, and they hereby are set off, for parochial purposes only, from the Congregational Society, in the town of Whately, and annexed to the Second Congregational Parish, in Deerfield, in said county; and shall enjoy all the privileges and immunities, and be subject to all the requirements that the members of said Second Parish in Deerfield are now subject to: Provided, that the said Asa Parker and Elijah Saunderson, shall be holden to pay all taxes due from them, to the said Congregational Society, in Whately. [June 16, 1820.]

Persons set off.

Privileges.

Proviso.

An ACT to incorporate the First Congregational Parish, in Natick.

Chap. 19.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the inhabitants of the town of Natick, with all the lands in the said town, except such inhabitants, and such lands, as do, by law, belong to some other parish, or religious society, or are exempt, by law, from parish charges, in the said town of Natick, be, and they are hereby incorporated into a Parish, by the name of the First Congregational Parish, in Natick; subject to all the duties, and vested with all the powers and privileges, to which parishes are entitled, by the constitution and laws of this Commonwealth.*

Parish Incorporation.

SECT. 2. *Be it further enacted, That the said First Congregational Parish shall be deemed, and taken to be successor to the said town of Natick, as far as relates to parochial proceedings, and successor to the inhabitants of the said town, heretofore acting as a parish or society, in all their parish rights, and subject to all contracts and obligations of a parochial nature, which may have been made, either by the said town, or said inhabitants. And all the votes and proceedings of the said town of Natick, relative to parochial affairs, and the votes and proceedings of the said inhabitants, of a parochial nature, under whatever name they may have acted, are hereby confirmed, and made valid, to all intents and purposes, as if the same votes and proceedings had been done in a legal meeting of an incorporated parish.*

Legality of proceedings.

SECT. 3. *Be it further enacted, That so much of an act, passed the twenty-second day of June, in the year of our Lord one thousand eight hundred and twelve, entitled "An Act to authorize the Town of Natick to sell the ministry lands, and to appropriate the proceeds thereof towards the ministerial funds, and to appoint trustees for the management thereof," as is contrary, or inconsistent with the provisions of*

1812 ch. 22.

Power of Trustees.

this act, be, and hereby is repealed; and in lieu of the board of trustees, as is provided in the said act, the deacons of the church, and the parish committee, with the treasurer and clerk of the parish, for the time being, be, and they are hereby constituted and appointed trustees of the fund, which now is, or may hereafter be accumulated, for the support of the ministry in the said parish; and who shall be held responsible therefor; and shall render an account of the state of the said fund, annually, to the said parish, at their annual parish meeting.

First meeting.

SECT. 4. *Be it further enacted*, That in pursuance of this act, the first meeting of the said parish, shall be convened by a warrant, to be issued by any of the Justices of the Peace, in the County of Middlesex, directed to a freehold inhabitant of said parish, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed, in said warrant, to organize the said trustees, and to do all other business, which may then and there be necessary and proper to be done. [June 16, 1820.]

Chap. 20.

AN ACT to annex Leonard Hyde and Lucy Gould to the Third Parish, in Roxbury.

Persons set off.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Leonard Hyde and Lucy Gould, with their families and estates, be, and they are hereby set off from the first, and annexed to the Third Parish, in Roxbury; *provided*, that the said Leonard Hyde and Lucy Gould shall be holden to pay their respective proportion of taxes assessed, and due to the said First Parish, prior to the date of this act. [June 17, 1820.]

Chap. 22.
1819 ch. 20.

AN ACT to suspend the operation of the seventh section of an Act, entitled "An Act further regulating the Fishery in the Merrimack River, and the streams running into the same."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the seventh section of an Act, entitled "An Act further regulating the Fishery in the Merrimack river, and the streams running into the same," passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, be, and the same hereby is suspended in its operation, until the first day of April next. [June 17, 1820.]

Chap. 23.

AN ACT to incorporate the Linnæan Society of New England.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jacob Bigelow, John Davis, William S. Shaw, George Hayward, and John W. Webster, with their associates, together with such other persons as shall, from time to time, be duly admitted members of the corporation hereby created, be, and they hereby are formed into, and constituted a body politic and corporate, under the name of the Linnæan Society of New England, for the purpose of promoting the science of natural history.

SECT. 2. *Be it further enacted*, That the members of said

society shall have power to elect a president, and all other necessary officers; and that the said society shall have one common seal, and the same may break, change, and renew at pleasure; and that the same society, by the name aforesaid, may sue and be sued, prosecute and defend suits to final judgment and execution.

General powers.

SECT. 3. *Be it further enacted*, That the said society shall have power to make orders and by-laws for the election and governing of its members, and for managing its property, not repugnant to the laws of this Commonwealth; and may expel, disfranchise, or suspend any member for a breach of the same.

By-Laws.

SECT. 4. *Be it further enacted*, That the said society shall be capable to take and hold real or personal estate, by gift, grant, devise or otherwise, and the same, or any part thereof, to alien and convey; *Provided*, that the annual income of any real estate, by said society holden, exclusive of the building or buildings which may be actually occupied or used by said society, for the scientific purpose aforesaid, shall not exceed the sum of two thousand dollars, and that the personal estate of said society, exclusive of books, papers, and articles in their museum, shall not exceed, in yearly value, the sum of three thousand dollars.

May hold real estate.

Limitation of real estate.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, shall have power to call the first meeting of the members of said society, in such manner as they may think proper. [June 17, 1820.]

First Meeting.

An ACT to annex the Estate of Henry Ware to the town of Cambridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the real estate of Henry Ware, Professor of Divinity, in Harvard University, as lies within the limits of the town of Charlestown, in the County of Middlesex, be set off from the said town of Charlestown, and annexed to the town of Cambridge. [June 17, 1820.]

Chap. 24.

Lands set off.

An ACT relating to the Sixth Massachusetts Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of September next, the proprietors of the Sixth Massachusetts Turnpike Corporation, shall have leave to discontinue all that part of the west end of their road which lies in the towns of Pelham and Greenwich, in the County of Hampshire; and they hereby are, from and after the first day of September next, forever discharged from repairing and maintaining the same.

Chap. 26.

1799 ch. 21.
71.
(V. 2. p. 327.
373.)
1815 ch. 113.
1817 ch. 31.

Road discontinued.

SECT. 2. *Be it further enacted*, That the said proprietors shall have leave to remove their lower gate in the town of Holden, to any distance, not exceeding half a mile, westerly of the place where it now stands. [June 17, 1820.]

Gate removed.

Chap. 28. An ACT authorizing the taxing of Pews in the Meeting House of the Congregational Society, in the Town of Edgarton, in the County of Dukes' County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the Congregational Society, in the town of Edgarton, in the County of Dukes' County, be, and they hereby are empowered to raise three fourth parts of any sum of money, which said inhabitants of said Congregational Society, may, at any legal meeting, called for that purpose, vote to raise, for the purpose of repairing said Congregational meeting house in said town, by a tax on the pews on the lower floor in said house; the remaining fourth part of said repairs being assessed on the inhabitants of said Congregational Society.

Taxes to be
raised.

SECT. 2. *Be it further enacted,* That for the equitable apportionment of the taxes to be assessed on said pews, the inhabitants of said society shall cause a valuation thereof to be made by a committee, to be chosen by them for the purpose; and the report of that committee, stating the value and number of said pews, shall, when accepted and recorded, be binding on all persons interested; and the sums voted to be raised on said pews, shall be apportioned and assessed thereon by the assessors, for the time being, according to such valuation.

Apportionment
of taxes.

SECT. 3. *Be it further enacted,* That the assessors of said Congregational Society shall make out a fair list of the taxes assessed on the pews, according to this act, and commit said list to the treasurer of said Congregational Society, to collect and receive the same. And it shall be the duty of the treasurer aforesaid, as soon as may be, after receiving said list, to give notice thereof, by posting up a copy of said list, at said meeting house door, stating the number of each pew, and the amount of the tax set against it, with a notification thereon written, for persons interested in said pews to pay the tax upon the same within thirty days from the date of said notification. And if the tax upon any pew, shall not be paid to the treasurer aforesaid, within thirty days, according to his notification as aforesaid, it shall be the duty of the treasurer, and he is hereby authorized to sell the pew on which such tax, or any part of it, shall remain unpaid, at public auction, to the highest bidder; and his deed of the same to the purchaser, recorded in the records of said Congregational Society, shall give to the purchaser a perfect right and title to said pew, and he shall afterwards be considered the legal owner thereof; *provided*, said treasurer shall give ten days previous notice of the time and place of sale, by posting one advertisement on the door of said meeting house, and one other in some public place in said town of Edgarton, stating the number of the pew to be sold, and the tax due thereon; *and provided also*, that the original owner of said pew, within one year from the sale of said pew, shall have liberty to redeem the same, by paying the tax assessed on the same, with the charges; which sum being paid, the purchaser shall reconvey the same to the original owner, in the same manner as mortgagees are

Time of pay-
ing tax.

May sell pews
to pay taxes.

Proviso.

Time for re-
demption.

compelled to reconvey land mortgaged, on payment of the redemption money.

SECT. 4. *Be it further enacted*, That the treasurer aforesaid, shall have power to adjourn the sale, if he shall judge necessary, not exceeding four days from the first notification; and in all cases, he shall pay over, on demand, to the former owners of pews, the balance in his hands arising from said sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same. [June 17, 1820.]

Sales may be postponed.

An Act in further addition to the several Acts, establishing the Norfolk and Bristol Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Norfolk and Bristol Turnpike Corporation be, and they are hereby authorized and empowered, to erect a gate, west of where the old road intersects said turnpike, near Mill Creek, and within seven rods of said intersection; and all persons travelling on the part of the said turnpike, between the house of Martin Gay, in said Dedham, and the place where said turnpike intersects the old road, as aforesaid, and choosing there to turn off the said turnpike, and travel the old road; also, all persons who may be travelling the old road, and shall choose to take the turnpike at the said intersection, and shall enter and travel thereon, shall, with their carriages, teams, sleys, horses, or cattle, be liable to pay, and said corporation shall be entitled to demand and receive of them, one half as much toll as they would be entitled to receive at either of their gates, now erected between Dedham and Boston; but every person who shall have travelled up the turnpike, and passed the next gate below, or shall travel down the turnpike, and not choose to turn off, and travel the old road, shall be wholly exempt from paying toll at this gate.

Chap. 29.
1801 ch. 69.
(V. 2. p. 522.)
1802 ch. 59.
(V. 3. p. 53.)
1803 ch. 143.
(V. 3. p. 402.)
Gates to be erected.
1804 ch. 106.
(V. 3. p. 534.)
1805 ch. 106.

Half Toll.

Exemptions.

SECT. 2. *Be it further enacted*, That the said Corporation be, and they are authorized and empowered, to erect another gate, west of where the Walk Hill, or Canterbury road strikes said turnpike, on the northerly side thereof, and communicates with the old road, and within seven rods of said point; and all persons travelling on the part of said turnpike, between the house of Reed Taft, in Roxbury, and the point aforesaid, and choosing to turn off northerly, on said Walk Hill, or Canterbury road, and pass on to the old road; also, all persons who may be travelling on the old road, and shall choose to turn on to said Walk Hill, or Canterbury road, and so enter on said turnpike, and travel thereon, shall, with their carriages, teams, sleys, horses or cattle, be liable to pay, and said corporation shall be entitled to demand and receive of them, one half as much toll as they would be entitled to receive of them, at either of their said gates, between Boston and Dedham; but every person who shall have travelled up the turnpike, and passed the next gate below, or who shall travel down the turnpike, and not choose to turn off at said Walk Hill, or Canterbury

New Gate.

Half Toll.

road, shall be wholly exempt from paying toll at this gate. *Provided nevertheless*, that the proprietors of the said turnpike, shall not demand of any person who may enter upon said turnpike, at any road below Stony River Brook, in Roxbury, and pass down, or may come up the turnpike, and turn off at any of the roads below said brook, any more than one quarter toll, any law to the contrary notwithstanding. And no person, specially exempted from paying toll, by either of the acts to which this is in addition, shall be liable to pay toll by virtue of this act. [June 17, 1820.]

Chap. 30.

An ACT to authorize the sale of School Lands, in the town of Hopkinton.

Trustees.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Bucklin, Nathan Phipps, Joseph Valentine, Moses Chamberlain, Sampson Bridges, Fisher Metcalf, and Elijah Fitch, be, and they are hereby appointed trustees, to sell all the lands, formerly given by the trustees of Hopkins' Donation, for the support of schools in said town of Hopkinton, in the County of Middlesex; and the money arising from the sale of said lands, to be put out at interest, in manner herein after directed; and the said trustees are hereby created, and shall be known hereafter, in law, a body politic and corporate, by the name of the Trustees of the School Fund in the town of Hopkinton; and they, and their successors in office, shall have and use a common seal, and by the name aforesaid, may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution; and shall exercise all other powers and privileges, usually given to, and exercised by corporations of a like nature. And the said trustees, and their successors in office, shall annually elect, by ballot, a president, to preside at their meetings, and a clerk to record the doings of the said trustees, in a book or books, for that purpose to be provided and kept at the expense of the town; and at the same meeting they shall also elect a treasurer, to receive and apply the monies belonging to the said fund, to the amount, and in the time and manner, which the said trustees may, from time to time, direct; and all the said officers shall be sworn to the faithful performance of their several duties; and the said trustees shall also have power to appoint an agent, from time to time, as they shall judge necessary.

Trustees to have corporate powers.

May choose officers.

Officers to be sworn.

Vacancies to be filled.

SECT. 2. *Be it further enacted,* That the number of trustees shall never be less than five, nor more than seven, a major part of which trustees, for the time being, may form a quorum for doing business; and the inhabitants of said town of Hopkinton, at any legal meeting, notified for that purpose, shall fill up any vacancy, or vacancies, which may happen in said board of trustees, from among the freeholders of the said town; and the said inhabitants, in legal town meeting, notified as aforesaid, shall also have power to remove, by voting and declaring vacant the place of a trustee, or any other officer,

who, by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge their several duties, and supply the vacancy so happening, by a new choice; and the said trustees and treasurer shall annually make report of their doings, and the state of the funds.

Officers may
be removed.

SECT. 3. *Be it further enacted*, That the said trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey, in fee simple, all, or any part, of the said lands, and to make, execute and acknowledge a good and sufficient deed, or deeds, thereof; which deed, or deeds, subscribed by their president, and countersigned by their clerk, by the direction and order of the said trustees, or a major part of them, with the seal of said corporation thereunto affixed, (approbation of the town for said sale being first had,) shall be good and valid in law, to pass and convey the fee simple of said lands, from said town, to the purchaser or purchasers thereof, to all intents and purposes, whatsoever. And all the monies, arising from the sale of the lands aforesaid, together with all subscriptions, donations, or bequests, shall be put to use as soon as may be, and secured by mortgage on real estate, to double the amount of property sold, or money loaned, or by one or more sureties, with the principal, or vested in public funded securities, or bank stock, at the discretion of said trustees.

May sell lands.

Disposition of
money.

SECT. 4. *Be it further enacted*, That the treasurer of said corporation shall give bond to the said trustees, for the faithful performance of his trust, according to the true intent and meaning of this act, and shall be responsible for any neglect or misconduct in his office; and the said trustees, and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not; and the loss or damage which may thereby happen to the said fund, shall be recovered by an action of debt, or on the case, at the suit of the town, in any court, competent to try the same; and the sum so recovered, shall be replaced to the said fund, and the said trustees, and all the other officers of said corporation, may receive such compensation for their services, as the town may judge reasonable; but no part of such compensation shall ever be made out of the said fund, interest or profits thereof. And it shall never be in the power of the said town to alienate, change, or vary the appropriation of the said fund from its original design and use, towards the support of the public free schools in the said town of Hopkinton.

Treasurer to
give bonds.

Responsibility
of Trustees.

Compensation
to officers.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, upon application made to him by three of the trustees, is authorized to issue his warrant to one of the trustees before named, requiring him to notify and warn the first meeting of said trustees, at such convenient time and place as shall be appointed in said warrant, to organize the corporation by the appointment of its officers.

First meeting.

SECT. 6. *Be it further enacted*, That said trustees, at the first legal meeting thereof, under this Act, and at any subsequent

By-laws.

legal meeting, may make and establish such by-laws, rules and regulations, not repugnant to the constitution or laws of this Commonwealth, as shall be found expedient for the management of their concerns; and may appoint such officers, and assign them such duties, as the interest of the trustees may require. [June 17, 1820.]

Chap. 31.

An ACT to incorporate the Second Religious Society, in Waltham.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Paul Moody, Abel B. Richardson, Jonathan C. Morrill, Asahel Adams, David Townsend, Uriah Hagar, Phineas Adams, Abijah Whitney, Thomas Budlong, Thomas Borden, George Brownell, Joshua Swan, Oliver S. Hawes, Albigence W. Fisher, Joseph Hoar, Daniel Farrar, William Cheetham, Alvis Garfield, Charles Garfield, Nathan McIntire, junior, Samuel Gale, Nathaniel Stearns, Elisha Crehore, Thomas Blake, William Redding, Aaron Brown, Isaac Bemis, junior, Thomas Miller, Richard Willington, William Hobbs, George Cooper, Daniel Emerson, Ephraim Allen, Willard Adams, Joel Abbot, Eliphalet Hastings, junior, William W. Walker, Jonathan Sanderson, Cyril French, Forrest Foster, Andrew Harris, Samuel Meriam, John Bates, John Dummer, Bethuel Fillebrown, Joseph McDodge, Robert Smith, John Pilsbury, Josiah Warren, together with their polls and estates, and such others as may associate with them, and their successors, be, and they hereby are incorporated and established as a religious society, by the name of the Second Religious Society, in Waltham, with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth.

Name of so-
ciety.

Assessments.

SECT. 2. *Be it further enacted,* That all the taxes or assessments, to which the property and estate of the Boston Manufacturing Company are by law, liable for the support of public worship, in said Waltham, shall be laid and assessed by, and payable to the parish hereby incorporated, or its proper officers: *Provided however,* that the said Boston Manufacturing Company shall have the right to pay over to the first parish in said Waltham, such part of the taxes so assessed, as they may think fit; not, however, exceeding one half: *And provided also,* that this section of the present Act, may be modified or changed, at the will of the legislature.

Provisos.

Corporate
powers.

SECT. 3. *Be it further enacted,* That the said Paul Moody, Jonathan C. Morrill, David Townsend, Abel B. Richardson, Asahel Adams, Eliphalet Hastings, junior, Uriah Hagar, Thomas Budlong, Abijah Whitney, Robert Smith, Alvis Garfield, Thomas Miller, Isaac Bemis, junior, William Hobbs, their associates, and successors, be, and they hereby are constituted and made a corporation and body politic, by the name of the Proprietors of the Second Meeting House, in Waltham; and shall, by that name, sue and be sued, defend and be defended, in all actions in which said corporation may be concerned; and may also

ordain and establish such by-laws and regulations, and choose such officers, as to them shall seem necessary ; *provided*, such by-laws and regulations shall be in nowise contrary to the laws of this Commonwealth.

SECT. 4. *Be it further enacted*, That the said proprietors of the second meeting house, in Waltham, shall have full power to assess upon the individuals composing the same, in proportion to the number of shares in said meeting house, subscribed for by each, such sum or sums of money, as shall be sufficient to pay the debts now due from said corporation, and all necessary future charges ; and to collect said assessments in such way and manner, and by such officers or committee, as said proprietors may determine : And said proprietors shall have power, by such officers as they shall appoint for that purpose, to sell in such way as they shall determine, the pews in said meeting house, and execute deeds to the purchasers thereof.

By-laws.
Power to levy assessments.

Collection of assessments.

SECT. 5. *Be it further enacted*, That the several meetings, heretofore held by the proprietors hereby incorporated, and all proceedings thereat, conformably to the original articles of their association, and necessary to carry the same into effect, be, and hereby are confirmed, and made valid in law ; and the officers and agents heretofore chosen by said proprietors, shall continue officers and agents, until others shall be chosen in their stead.

Confirmation of former proceedings.

SECT. 6. *Be it further enacted*, That any person in the said town of Waltham, who may, at any time hereafter, actually become a member of, and unite in religious worship with said second religious society, and give in his or her name, to the clerk of the parish, to which he or she, did heretofore belong, with a certificate, signed by the minister, or clerk of said society, that he or she, hath actually become a member of, and united in religious worship with said second society, previous to the first of May, shall, from and after giving in such certificate, with his or her polls and estate, be considered as a member of said society : *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed in the parish to which he or she belonged, previous to that time.

Conditions of membership.

Provisq.

SECT. 7. *Be it further enacted*, That when any member of said society, shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish, in which he or she, may live, and shall give in his or her name, to the clerk of said society, with a certificate, signed by the minister, or clerk of the parish, or other religious society, where he or she, may unite, that he or she, hath actually become a member of, and united in religious worship with such other parish, or religious society, previous to the first day of May, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall, from and after giving such certificate, with his or her poll and estate, be considered as a member of said society to which he or she may so unite.

Terms of secession.

Meeting for
choice of offi-
cers.

SECT. 8. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to a member of said society, requiring him to notify and warn the members of the said second religious society, in Waltham, to meet at such time and place as shall be expressed in said warrant, for the choice of such officers, as religious societies have a right to choose, at their annual meetings. [June 17, 1820.]

Chap. 32.

An ACT to incorporate the Dimon Factory Company, in Walpole.

Persons incor-
porated.

Title of com-
pany.

General pow-
ers.

(1808 ch. 65.)
1817 ch. 183.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Hartshorn, Daniel Kingsbury, Noah Daper, Jonathan Messenger, Ebenezer Hartshorn, George Nicholas, Josiah Hill, Joseph B. Henshaw, Deming Jarvis, and Caleb Hartshorn, together with such others as may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of the Dimon Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Walpole, in the county of Norfolk; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations;" and also an Act in addition thereto, passed the twenty-fourth day of February, eighteen hundred and eighteen.

May hold real
and personal
estate.
Proviso.

SECT. 2. *Be it further enacted*, That the said Dimon Factory Company may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufacture; *provided*, the value of such real estate shall not exceed twenty thousand dollars, and the value of such personal estate shall not exceed thirty thousand dollars. [June 17, 1820.]

Chap. 33.

An ACT to empower the North Parish in Wrentham, to sell a part of the Ministry Lot.

May sell and
convey lands.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the north parish in Wrentham, by their agent, or committee, duly appointed for the purpose, be, and hereby are empowered to sell and convey to the purchaser, all that part of a lot of land, lying north of the road in the said parish, leading from Franklin to Walpole, commonly called North Hill, containing about three acres, more or less, being part of the lot which was originally given by Ebenezer Ware, of said Wrentham, for the use and benefit of the said north parish; and the proceeds of said sale shall be applied to the support of the ministry in the said north parish, according to their discretion. [June 17, 1820.]

An ACT to annex certain Land to the Town of West Boylston, in the county of Worcester. *Chap. 35.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land, of about one hundred and forty acres, situated within the town of Boylston, in the county of Worcester, adjoining the road leading from West Boylston to Boylston meeting house, on which Jonas Temple, deceased, lately lived, be, and the same hereby is set off from the said town of Boylston, and annexed to, and made a part of the said town of West Boylston. [June 17, 1820.] *Land set off.*

An ACT to alter and change the Names of the persons therein mentioned.

Chap. 36.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa Lawrence, the fourth, of Groton, shall be allowed to take the name of Asa Farnsworth Lawrence; Rachel Thayer Soper, of Cambridge, shall be allowed to take the name of Mary Frances Soper, both of the county of Middlesex; Elisha Dogget Beckford, of Salem, a minor, son of Joshua Beckford, shall be allowed to take the name of John Beckford; Ephraim Bailey Horne, of Haverhill, combmaker, shall be allowed to take the name of Ephraim Bailey Orne; William Newhall, of Lynn, ward of Doctor John Lummers, shall be allowed to take the name of Hewson Parish; John Morse, junior, of Amesbury, shall be allowed to take the name of John S. Morse; Polly Osgood, of Salem, widow, shall be allowed to take the name of Mary Osgood; Stephen Phillips, junior, of Salem, merchant, shall be allowed to take the name of Stephen Claredon Phillips, all of the county of Essex; that John Moulton, of Boston, shall be allowed to take the name of John Roberts; Charles Wells, of Boston, bookbinder, shall be allowed to take the name of Charles Allen Wells; Charles Lowell Clapp, son of William W. Clapp, shall be allowed to take the name of Charles William Clapp; Masa Willis, of Boston, shall be allowed to take the name of Horatio M. Willis; John Henry Parker, a minor, of Boston, son of the Honourable Isaac Parker, shall be allowed to take the name of John Brooks Parker; Joseph Queen, of Boston, trader, shall be allowed to take the name of Joseph French Edwards; John Wheelwright, of Boston, merchant, shall be allowed to take the name of John Tower Wheelwright; Henry Felt, of Boston, shall be allowed to take the name of Henry Felt Baker; Samuel Whitwell, of Boston, son of Benjamin Whitwell, shall be allowed to take the name of Samuel Sprague Whitwell, all in the county of Suffolk; Jonathan Ferry, junior, of Brimfield, in the county of Hampden, shall be allowed to take the name of Jonathan Saunders Ferry; John Shaw shall be allowed to take the name of John Forsyth Shaw; Prince Shaw shall be allowed to take the name of Edward Shaw, both of New Marlborough, in the county of Berkshire; Joseph Adams, junior, student in Harvard University, son of Joseph Adams, of Roxbury, shall be allowed to take the name of Joseph Thornton Adams; Rebecca Miller Thayer, of Braintree, *Names altered.*

Names altered.

daughter of the late Atherton Thayer, Esquire, shall be allowed to take the name of Rebecca Atherton Thayer, both in the county of Norfolk; Theodore Mayhew, student at law, of Chilmark, in the county of Dukes' county, shall be allowed to take the name of Theodore Gardner Mayhew; Giles Hosier, of Nantucket, in the county of Nantucket, trader, shall be allowed to take the name of William Giles Hosier; Samuel Fosket shall be allowed to take the name of Samuel Bradley; Robert M. Fosket shall be allowed to take the name of Robert M. Bradley; John Fosket shall be allowed to take the name of John Bradley; Hugh Fosket shall be allowed to take the name of Hugh Bradley; that the minor children of Samuel Fosket, aforesaid, viz: Bethuel Fosket shall be allowed to take the name of Bethuel Bradley; Josiah Fosket shall be allowed to take the name of Josiah Bradley; David Fosket shall be allowed to take the name of David Bradley; Samuel Fosket, junior, shall be allowed to take the name of Samuel Bradley; Abigail Fosket shall be allowed to take the name of Abigail Bradley; James Fosket shall be allowed to take the name of James Bradley; Jane Fosket shall be allowed to take the name of Jane Bradley; Alonzo Fosket shall be allowed to take the name of Alonzo Bradley; and William Fosket shall be allowed to take the name of William Bradley, all of Colraine, in the county of Franklin; and the several persons before mentioned, from and after the passing of this Act, shall be known and called by the names, which, by this Act, they are respectively allowed to take and assume as aforesaid, and said names shall forever, hereafter, be considered as their only proper and legal names, to all intents and purposes. [June 17, 1820.]

Chap. 37.

An Act to incorporate the First Baptist Society, in Marblehead.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Story, John Fielding, Isaac Kimball, Benjamin Girdler, William Collyer, Joseph Graves, Samuel H. Russell, George Roberts, Jonathan Brown, Samuel Brown, Richard Girdler, Lewis R. Powers, John Wooldridge, Alexander Malcom, Thomas Roundy, Richard L. Woodfine, and Ambrose Brown, their associates, successors, and assigns, be, and they are hereby incorporated as a religious society, by the name of the First Baptist Society in Marblehead, with all the powers and privileges, and subject to all the duties and liabilities of other religious societies, according to the constitution and laws of this Commonwealth.

First meeting.

SECT. 2. *Be it further enacted,* That any Justice of the Peace for the county of Essex, is hereby empowered, upon application therefor, to issue a warrant, directed to any freeholder and member of said first Baptist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to organize the said society, by the appointment of its officers. [Jan. 24, 1821.]

An ACT to regulate the Passage Way for Fish, through the Dam near the mouth of Concord River, in the county of Middlesex. Chap. 38.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so long as there shall be kept and upheld a dam across Concord river, between the towns of Chelmsford and Tewksbury, in the county of Middlesex, where the dam of Thomas Hurd's factory now is situated, it shall be the duty of the owner, occupant, or person upholding said dam, to cause to be made a sluice or passage way, for fish to pass freely up and down the river, through said dam; and the same shall be constructed with a permanent mud sill, to be placed at the bottom of the natural channel of said river, and to extend from the shore of the island in said river, not less than fifteen feet, towards the factory, in the direction of the present dam, with permanent abutments, and a cross timber at the top, not less than thirty inches above the mud sill; and the whole of said passage way shall be kept open from the first day of April to the twentieth day of May, in each year, except only, that when, by reason of the falling of the water in said river, there shall not be more than twelve inches of water above said mud sill, the said passage way may, with the advice and consent of the fish wardens of the towns of Chelmsford and Tewksbury, given in writing, be diminished in proportion to the depth of the water; *provided however,* that it shall never be reduced to a less breadth than five feet, from the abutment, on the west side. Passage way.

SECT. 2. *Be it further enacted,* That so long as the owner, occupant, or person upholding said dam, shall cause to be made and kept, a sluice or passage way, for fish, through the said dam, of the dimensions and constructions aforesaid, according to the true intent and meaning of this Act, he shall not be liable to any penalty or prosecution by force of any Act relative to the obstruction of the passage of fish, up and down said river. Penalty.

SECT. 3. *Be it further enacted,* That no person shall be permitted to obstruct the free passage of fish, during the aforesaid months of April and May, by taking them in any manner, at the said passage way. Taking fish.

SECT. 4. *Be it further enacted,* That this Act shall continue in force for the term of ten years, and no longer. [Jan. 24, 1821.]

An ACT to incorporate the First Baptist Society, in Sheffield.

Chap. 39.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Butler Ives, Silas Smith, Calvin Bryant, Lemuel Sparks, with their associates and successors, he, and they hereby are incorporated, for religious purposes only, into a society, by the name of the First Baptist Society, in Sheffield, with all the powers, privileges and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth: And said corporation is hereby authorized and empowered to take, purchase and hold, all real and personal estate, necessary and convenient for the purposes aforesaid; Persons incorporated.

Powers and privileges.

Proviso. *Provided*, that the income of the whole estate of the said corporation, exclusive of the meeting house, and land under the same, shall not exceed two thousand dollars.

Money to be raised.

SECT. 2. *Be it further enacted*, That said society be, and the same is hereby authorized, at a meeting held for the purpose, to raise such sums of money, as it may think needful, for the support of public worship, building and repairing meeting houses, and other purposes, incident to the authority given by this Act, by an equal assessment upon all the pews and seats in any meeting house which may hereafter belong to it. And if any proprietor of any pew or seat, shall neglect or refuse to pay any assessment which may be made upon his pew or seat, within one year from the time he shall be notified thereof, the treasurer of said society may sell at public auction, all the right and interest said delinquent proprietor may have in any seat or pew, after giving public notice of the time and place of sale, at least fourteen days previous thereto, by notifications in writing, posted at all the doors of the meeting house of said society; and after deducting the amount of the assessment, with legal interest thereon, from the time it became due, and all costs and charges, the said treasurer shall pay the balance, if any, over to said delinquent proprietor: And said treasurer is hereby authorized and empowered, upon the sale aforesaid, to execute and deliver a deed of conveyance to the purchaser thereof, which shall be valid in law.

Delinquent's pews to be sold.

By-laws.

SECT. 3. *Be it further enacted*, That said society may make and establish such regulations, rules, and by-laws for its government, and the management of its concerns, as may be thought fit; *provided*, the same be not repugnant to the laws of this Commonwealth.

First meeting.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Berkshire, be, and he is hereby authorized to issue his warrant to some member of said society, requiring him to warn the members thereof, to meet at such convenient time and place as shall be therein directed, to choose a moderator, Clerk, and Treasurer, and such other officers as they may think needful; and the Moderator so chosen, and the Moderators chosen at all future meetings, shall have authority to administer the oath of office to the Clerk, and all other officers, of whom an oath is required by law. [Jan. 26, 1821.]

Chap. 40.

An ACT to incorporate the German Charitable Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles F. Kupfer, John G. Plombæck, John Federhen, William Henss, Casper Grenier, and their associates, be, and they are hereby erected into a body politic and corporate, by the name of the German Charitable Society, for the relief of indigent and distressed Germans, their widows and children; and by that name shall have perpetual succession, with power to have a common seal, and to make contracts relative to the

objects of the society; to sue and be sued, and to make by-laws and orders for the regulation of said society, and for the preservation and application of the property thereof; *provided*, that the same be not repugnant to the constitution and laws of this Commonwealth; and to take, hold and possess any estate, real or personal, by gift, grant, purchase, devise, or otherwise; and the same to sell, alienate and exchange, for the sole benefit of said corporation; *provided*, that the value of the real estate shall not exceed twenty thousand dollars, and the annual income of the whole corporate property shall not exceed five thousand dollars.

Rules and regulations.

May hold real estate.

SECT. 2. *Be it further enacted*, That said corporation shall have power to appoint such officers as shall be deemed necessary, for the government thereof, and due management of its affairs.

SECT. 3. *Be it further enacted*, That the first meeting of said corporation, may be called by said Charles F. Kupfer, by advertisement in any newspaper printed in the town of Boston, ten days prior to the time of meeting, designated in such advertisement. [Jan. 26, 1821.]

First meeting.

An Act to incorporate the Massachusetts Baptist Charitable Society, for the relief of the Widows and Children of deceased Baptist Ministers.

Chap. 42.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Baldwin, Joseph Grafton, Lucius Bolles, Nathaniel W. Williams, Daniel Sharp, Bela Jacobs, Levi Farwell, Thomas Badger, Josiah C. Rainsford, William Brown, Jonathan Carleton, Ward Jackson, Thomas Kendall, Heman Lincoln, Ensign Lincoln, and such others as shall associate with them, for the purposes hereafter mentioned, be, and they hereby are incorporated into a body politic, by the name of the Massachusetts Baptist Charitable Society, for the relief of widows and children of deceased Baptist Ministers; and that they and their successors shall be and continue a body politic and corporate, by that name forever; and shall have power to have a common seal, subject to be altered at their pleasure; and may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That the said society be, and hereby are authorized to receive any grants or devises of lands or tenements, in fee simple, or less estate, and all subscriptions, donations, legacies, and bequests in money, or other personal estate, to them made, for the above objects; and to put all such monies as shall come into their hands, at interest, and apply the interest, from time to time, for the relief of the widows and children of deceased Baptist ministers, within this Commonwealth, according to their best judgment, unless particularly designated by the donor, or donors.

Grants, &c.

SECT. 3. *Be it further enacted*, That the said society may make sale of any real estate to them bequeathed, unless otherwise ordered by the donor, and convey the same by deed, do-

May sell lands.

ly executed by the treasurer, under the seal of the society : *Provided*, that all monies arising from such sale, be applied to the same use to which the income thereof was before applicable : *Provided however*, that the funds of said society shall never exceed the sum of twenty thousand dollars.

Proviso.

Annual meeting.

By-laws.

SECT. 4. *Be it further enacted*, That the said society shall hold an annual meeting, at such time and place as they may think proper ; of which, public notice shall be given in two public papers. The society thus convened, shall have power to choose a president, a secretary, a treasurer, and trustees, and any other officers which they may deem expedient ; and make and establish such rules and by-laws for the orderly conducting and executing the business of the society, as to them shall appear necessary ; *provided*, the same be not repugnant to the constitution or laws of this Commonwealth.

First meeting.

SECT. 5. *Be it further enacted*, That Thomas Baldwin is hereby authorized, by public notice in two papers, to call the first meeting of said society. [*Feb. 3, 1821.*]

Chap. 43.

An ACT to incorporate the Dickinson Library Company.

General powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of the Third Social Library, in the town of Granville, in the county of Hampden, be, and they hereby are incorporated into a body politic, by the name of the Dickinson Library Company, with power to make all rules and regulations, for the maintenance and government thereof, not inconsistent with the laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said Dickinson Library Company be, and they hereby are authorized and empowered to make and use a common seal, and they are hereby empowered, and rendered liable to sue and be sued, prosecute and defend in their corporate capacity, in all courts of law.

Donations, &c.

SECT. 3. *Be it further enacted*, That the said Dickinson library company, be authorized to receive subscriptions, grants, and donations of real and personal estate, not exceeding six thousand dollars ; *provided*, said company shall not, for more than one year, be in possession, in their own right, of real estate of the value of more than one thousand dollars ; and that no part of the personal estate of said company shall be expended for any other purpose than the purchase of books, or objects necessarily connected with the institution.

Limitation of expenditures.

Confirmation.

SECT. 4. *Be it further enacted*, That the proceedings of the proprietors of said third social library, in Granville, in the election of officers, and the transaction of other business, at a meeting held by them on the fifth day of January instant, be, and the same hereby are ratified, confirmed, and rendered valid, in as good and sufficient a manner, as if the same had been done and transacted on the third day of January instant ; *provided*, that no rights at law shall be affected by any thing in this Act contained. [*Feb. 3, 1821.*]

Proviso.

AN ACT to incorporate the Proprietors of the Second Congregational Meeting House, in Chelmsford. Chap. 44.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Cyrus Baldwin, Amos Whitney, Joseph Fletcher, Moses Hale, Jesse Smith, William Adams, Nathaniel Howard, and others, who have associated, or may hereafter associate with them, for the purpose of building a meeting house, their successors and assigns be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the Second Congregational Meeting House, in Chelmsford; and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations, as to them may seem necessary and convenient for the government of said corporation; *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That the said corporation may purchase and hold real and personal estate, the annual income of which, exclusive of the meeting house, and land under the same, shall not exceed one thousand dollars; and shall divide their estate into shares, the number of which, shall not be less than one hundred, nor more than two hundred, and may make and impose all necessary assessments on such shares; *provided*, that the amount of all such assessments, shall never exceed the sum of thirty dollars on each share.

May hold real estate.

SECT. 3. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, legally made upon his share or shares, to the treasurer of said corporation, within one year, after the same shall be made payable, the said treasurer, being thereto directed by the trustees, hereinafter directed to be chosen, may sell at public vendue, the share or shares of such delinquent proprietor, after posting notice of the time, place, and cause of such sale, at two or more public places in Chelmsford, and also on said meeting house door, whenever such house shall have been erected, at least thirty days previous to such sale; and upon such sale, to execute deed or deeds thereof, to the purchaser or purchasers; and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was payable, and all necessary incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said treasurer may, by direction of the said trustees, sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

Assessments.

Delinquent's shares to be sold.

SECT. 4. *Be it further enacted*, That there shall be an annual meeting of said proprietors, after the present year, on the first Monday in February, at which, they shall elect, by ballot, a president, clerk, treasurer, collector, and five trustees, of whom the president shall be one; and the treasurer and clerk shall be sworn to the faithful discharge of their respective trusts: and at such meeting, each proprietor, or his agent, duly autho-

Annual meeting.

rized in writing, shall be entitled to one vote for each share by him held and owned.

Duty of clerk.

SECT. 5. *Be it further enacted*, That it shall be the duty of the clerk of said corporation, to keep a record of all the proceedings of said corporation, and of all shares and transfers of shares therein, and to grant certificates thereof to the proprietors; and the shares may be transferred under the hand and seal of the proprietors, on the back of such certificate.

First meeting.

SECT. 6. *Be it further enacted*, That Cyrus Baldwin be, and he hereby is authorized to issue his warrant to some one of the said proprietors, for the purpose of calling the first meeting, to elect officers and organize said corporation, at such convenient time and place as he shall direct; at which meeting, the said proprietors may agree upon the manner of calling and notifying future meetings. [Feb. 3, 1821.]

Chap. 46.

AN ACT to incorporate the Methodist Episcopal Society, in Otis.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Kibbe, David Kibbe, Chuza Bushnell, John Davison, junior, John Johnson, Abner Loveland, Joshua Finch, Joseph A. Root, Julius Beach, Roger Mather, Eliakim Smith, David Morley, Nathan Blair, John M. Clement, John Meranders, Isaac Kibbe, Reuben Daniels, Jonathan Clark, junior, James Clark, junior, Joseph Clark, junior, John Babb, Samuel Kibbe, Samuel Williams, Joseph Clark, Lorin Flint, Joseph Hunt, 2d, Isaac Church, Ambrose Cowdery, Jonah Hunt, William Lattimer, Jarvase Haskeill, Jonah Norton, 3d, Avery Tracy, Joseph Root, Stephen Rowley, Henry Tracy, Daniel Hill, Eli Black, Silas Herinton, Orin Sinnet, Loring Gibbs, Geffry Watson, David Watson, Elijah Gibbs, Joseph Hunt, Curtis Hunt, Abner Blair, Elijah P. Perkins, Samuel Clark, Thomas Petton, Jonathan Petton, Jonathan Shepherd, 2d, Elijah Lyon, Phineas King, Philip Haskeil, and William Chapel, together with such other inhabitants of the town of Otis or Blanford, as may wish to join said society and become members thereof, together with their polls and estates, be, and they are hereby incorporated into a society, by the name of the Methodist Episcopal Society, in Otis.

Title.

Meeting.

SECT. 2. *Be it further enacted*, That the members of said society, being duly warned therefor, by any Justice of the Peace living in the county of Berkshire, upon application made to him for that purpose, by a member of the society, is hereby empowered to issue his warrant to the person applying for the same, requiring him to warn a meeting thereof, at the meeting house of said society, by posting up a copy of the warrant at said meeting house, at least fourteen days before the time of meeting; which warrant shall express the purpose of said meeting; at which time, the manner of calling future meetings shall be determined.

General powers.

SECT. 3. *Be it further enacted*, That at said meeting, the members of said society shall have power to make and establish all such rules and regulations, and appoint such officers for said

society, as may be necessary to carry the same into effect; also to grant such sums of money, and order assessments thereof, or to raise money by taxing the pews of the meeting house, or by renting them out, as may be necessary and expedient for the support of public worship, and other incidental charges. [Feb. 9, 1821.]

An ACT further regulating the Storage, Safe Keeping, and Transportation of Gunpowder, in the town of Boston.

Chap. 47.
1816 ch. 26.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person, except on military duty in the public service of the United States, or of this Commonwealth, shall keep, have or possess, in any house, warehouse, shop, or other building, nor in any street, lane, alley, passage way, yard or cellar, nor in any waggon, cart or other carriage, nor on any wharf, nor on board of any ship or other vessel, within two hundred yards of any wharf, or of any part of the shore or the main land, nor in any place within the town of Boston, gunpowder in any quantity exceeding five pounds, in any way or manner, other than by this Act, and by the rules and regulations hereinafter mentioned, may be permitted and allowed. And all gunpowder had, kept or possessed, contrary to the provisions of this Act, and of such rules and regulations, shall be forfeited, and liable to be seized and proceeded against in the manner hereinafter provided.

Liability to
seizure.

SECT. 2. *Be it further enacted,* That it shall not be lawful for any person or persons to sell any gunpowder, which may at the time be within the town of Boston, in any quantity, by wholesale or retail, without first having obtained from the Firewards of said town, a license to sell gunpowder; and every such license shall be written or printed, and duly signed by said Firewards, or by their secretary, authorized for that purpose, on a paper, upon which shall be written or printed, a copy of the rules and regulations by them established relative to keeping, selling, and transporting gunpowder within the said town; and every such license shall be in force for one year from the date thereof, unless annulled by the Firewards, and no longer; but such license may, prior to the expiration of that term, be renewed by endorsement thereon by the said Firewards, or by their secretary, for a further term of one year; and so from year to year; *provided always,* that the said Firewards may annul and rescind any such license, if, in their opinion, the person or persons licensed, have forfeited the right of using the same, by disobeying the law, or infringing any rules or regulations established by said Firewards. And every person who shall receive a license to sell gunpowder as aforesaid, shall pay for the same the sum of five dollars; and every person, on having a license renewed, shall pay therefor the sum of one dollar, which sums shall be paid to the secretary of the Firewards, for their use, for the purpose of defraying the expenses of carrying this act into execution.

Licenses.

Fees for
licenses.

SECT. 3. *Be it further enacted,* That the Firewards of the

town of Boston be, and they are hereby authorized and empowered to make and establish rules and regulations, from time to time, relative to the times and places at which gunpowder may be brought to, or carried from said town, by land or by water, the times when, and manner in which the same may be transported through said town; to direct and regulate the kind of carriages, boats and other vehicles, in which the same may be so brought to, carried from and transported through said town; to direct the manner in which gunpowder may be kept by licensed dealers and other persons; and to direct and require all such precautions as may appear to them needful and salutary, to guard against danger in the keeping of gunpowder, and in the transportation thereof to, from and through the town of Boston.

Manner of
keeping
powder.

SECT. 4. *Be it further enacted*, That any person or persons who shall keep, have, or possess any gunpowder within the town of Boston, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, or who shall sell any gunpowder therein, without having a license therefor, then in force or contrary to the conditions of the said license, or the rules and regulations made as aforesaid, shall forfeit and pay a fine of not less than one hundred dollars, and not exceeding five hundred dollars, for each and every offence; and if any gunpowder, kept contrary to the provisions of this act, shall explode in any shop, store, dwelling house, warehouse, or other building, or in any place in said town, the occupant, tenant or owner of which has not then a license in force to keep and sell gunpowder therein, or which gunpowder shall have been kept, in any manner contrary to the terms and conditions of such license, or to the rules and regulations established as aforesaid, such occupant, tenant or owner, shall forfeit and pay a fine of not less than five hundred dollars, and not exceeding one thousand dollars; one moiety of the sums which may be so forfeited, shall accrue to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons who shall prosecute and sue for the same; which forfeitures may be recovered by action of the case, in any court proper to try the same.

Penalties.

SECT. 5. *Be it further enacted*, That all gunpowder, which shall be kept, had or possessed, within the town of Boston, or brought into, or transported through the same, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the Firewards of said town, and the same shall, within twenty days next after the seizure thereof, be libelled, by filing in the office of the clerk of the Municipal Court of the town of Boston, a libel, stating the time, place and cause of such seizure; a copy of which libel, or the substance thereof, together with a summons or notice, which such clerk is hereby authorized to issue, shall be served on the person or persons, from whose custody or possession, or in whose tenement such gunpowder shall have been seized, if such person be an inhabitant of this Commonwealth, by delivering a copy thereof to

Seizures.

such person or persons, or leaving such copy at his, her, or their usual place of abode, fourteen days at least, before the sitting of the court, at which the same is to be heard; that such person or persons may appear and shew cause why the gunpowder so seized and taken, should not be adjudged forfeit. And if the gunpowder so seized shall be adjudged forfeit, the person or persons, in whose custody or possession the same was seized, or the occupant or tenant of the place wherein the same was so seized, shall pay all costs of prosecution, and execution shall be issued therefor; *provided*, it appear to the court, that such person or persons had notice of such prosecution by service as aforesaid; and in case the person or persons in whose custody or possession, or in whose tenement such gunpowder may be seized, shall be unknown to the Fireward or Firewards making such seizure, or in case such gunpowder, at the time of seizure, may not be in the custody or possession of any person, or if it shall appear by the return of the officer, that such person cannot be found, or has no place of abode in this Commonwealth, then the said court shall, and may proceed to adjudication thereon. And such libel or summons, and also such writ of execution for costs, shall, and may be served and executed in any county in this Commonwealth, and by any officer competent to execute civil process in like cases.

Trial of offences.

Proviso.

SECT. 6. *Be it further enacted*, That any person or persons, who shall rescue or attempt to rescue any gunpowder seized as aforesaid, or who shall aid or assist therein, or who shall counsel or advise, or procure the same to be done, or who shall molest, hinder, or obstruct any Fireward in such seizure, or in carrying gunpowder so seized to a place of safety, shall forfeit and pay a fine for each offence, of not less than one hundred dollars, and not exceeding five hundred dollars; to be sued for and recovered by action of the case, by any person or persons who shall sue for the same, in any court proper to try the same; and it is hereby made the duty of all magistrates, civil officers, and of all good citizens of said town, in their respective stations, and as far as they may be required, to aid and assist such Fireward or Firewards in executing the duties hereby required.

Fines.

SECT. 7. *Be it further enacted*, That the said Firewards, or any of them, may enter the store or place of any person or persons, licensed to sell gunpowder, to examine and ascertain whether the laws, rules and regulations relating thereto, are strictly observed, and also whenever there shall be an alarm of fire; and in such last case may cause the powder there deposited, to be removed to a place of safety, or to be destroyed by wetting or otherwise, as the exigency of the case may require; and it shall be lawful for any one or more of the Firewards of said town, to enter any dwelling house, store, building, or other place, in the town of Boston, to search for gunpowder, which they may have reason to suspect to be concealed or unlawfully kept therein, first having obtained from some Justice of the Peace for the county of Suffolk, a search warrant therefor, which warrant the Justices of the Peace for

Removal of powder.

said county are hereby respectively authorized to issue upon the complaint of such Fireward or Firewards, supported by his or their oath.

Redress for
injuries.

SECT. 8. *Be it further enacted*, That any person who shall suffer injury by the explosion of any gunpowder, had, kept or transported, within the town of Boston, contrary to the provisions of this act, and of the rules and regulations established as aforesaid, may have an action of the case in any court proper to try the same, against the owner or owners of such gunpowder, or against any other person or persons who may have had the possession or custody of such gunpowder, at the time of the explosion thereof, to recover reasonable damages for the injury thus sustained.

SECT. 9. *Be it further enacted*, That it shall be the duty of the Firewards of the town of Boston, to cause all such rules and regulations, as they may make and establish by virtue of the authority given by this act, to be published in two or more newspapers printed in the town of Boston, and to cause such publication to be continued three weeks successively, for the information and government of all persons concerned.

Recovery of
fines.

SECT. 10. *Be it further enacted*, That all fines, penalties and forfeitures, which may arise and accrue under the provisions of this act, shall, and may be prosecuted for, and recovered, either in the manner herein before specially provided, or by indictment, complaint or information, in any court proper to try the same. And this act shall be taken and deemed to be a public act, of which, all courts, magistrates and citizens are bound to take notice as such; and in any libel, action, indictment, information or complaint upon this act, it shall not be necessary to set forth any more of the same, than so much thereof as relates to, and may be necessary, truly and substantially to describe the offence alleged to have been committed.

Distribution of
fines.

SECT. 11. *Be it further enacted*, That all fines, penalties and forfeitures, which shall be recovered by force of this act, and which are not otherwise appropriated, shall accrue and enure, one half to the poor of the town of Boston, to be paid over to the Overseers of the Poor thereof, and one half to the Firewards of said town; *provided however*, that whenever on the trial of any prosecution, under this act, any one or more of the said Firewards shall be sworn and examined as a witness or as witnesses therein, record shall be made in court; and in that case, the whole of such fine, penalty and forfeiture, shall accrue and enure to the poor of the town of Boston, and be paid over as aforesaid.

Repeal of
former law.

SECT. 12. *Be it further enacted*, That this act shall take effect and be in force from and after the passing thereof, and that all acts and parts of acts heretofore passed, which come within the purview of this act, and which are inconsistent with, or repugnant to the provisions of this act, be, and the same are hereby repealed; *provided however*, that the same shall continue in force for the purpose of prosecuting all offences which may have been committed prior to the passing of this act, in the same manner, to all intents and purposes, as if the

same had not been repealed: *And provided further*, that all Proviso.
rules and regulations made and established by the Firewards
of Boston, under and by virtue of the provisions of such former
acts, shall continue to have the same force and effect, until
altered or annulled by said Firewards, as if this act had not
been passed. [*Feb. 9, 1821.*]

An ACT to incorporate the First Congregational Church and Society, in Troy. Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representa-*
tives, in General Court assembled, and by the authority of the same,
That David Anthony, Sylvester Allen, Thomas Durfee, Joseph Persons incor-
E. Read, James Ford, junior, Thomas Vickary, John Turner, porated.
Isaac H. Borden, Dexter Wheeler, William Shaw, and Caleb
Cook, with their associates and successors, be, and they hereby
are incorporated as a religious society, by the name of the
First Congregational Church and Society, in Troy, with all the
privileges, powers, and immunities, to which other religious
societies in this Commonwealth, are by law entitled.

SECT. 2. *Be it further enacted,* That said society shall be
capable in law, to purchase, hold and dispose of any estate,
real or personal, for the use of said society; *provided,* the May hold real
annual income thereof shall not exceed, at any time, the sum estate.
of ten thousand dollars.

SECT. 3. *Be it further enacted,* That the said society may
have power to elect all necessary officers, and to order and
establish such regulations, rules, and by-laws for their govern- General pow-
ment, and for the management of their property and concerns, ers.
as they may see fit; *provided,* the same be not repugnant to the
constitution and laws of this Commonwealth.

SECT. 4. *Be it further enacted,* That any Justice of the
Peace for the county of Bristol be, and he hereby is author-
ized, upon application of any six of the persons above named,
to issue his warrant to some member of said society, requiring
him to warn the members thereof, to meet at such convenient
time and place in said Troy, as shall be therein directed, to Election of
choose such officers as said society may think necessary. Officers.
[*Feb. 9, 1821.*]

An ACT in addition to the several Acts heretofore passed, to regulate the Fishery Chap. 51.
in Rehoboth and Swanzy.

BE it enacted by the Senate and House of Representatives, in
General Court assembled, and by the authority of the same, That 1803 ch. 116.
no person whatever, shall be permitted to set any seine, net, (V. 3. p. 378.)
weare, or other obstruction across Palmer's river, in Swan- 1819 ch. 11.
zy, at any time between the first day of April, and the
twentieth day of June in each year, for the purpose of obstruct-
ing the passage of fish up the said river into Rehoboth; and if
any person or persons shall, within the time aforesaid, set any
seine, net, weare, or other obstruction across said river, for the
purpose aforesaid, he or they shall forfeit and pay a fine of
seven dollars, for each and every such offence, to be recovered Obstructions.
by action of debt, one half thereof to the use of him or them Penalty.
who shall prosecute therefor, and the other half to the use of
the town in which the offence shall be committed; and such

Seine or net,
may be seized.

seine or net so set across said river, shall also be forfeited to the use of him or them who shall prosecute for the same. [Feb. 9, 1821.]

Chap. 57.

An ACT to incorporate The Lancaster Cotton Manufacturing Company.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Poignand, Samuel Plant, Benjamin Rich, Isaac Bangs, and Seth Knowles, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Lancaster Cotton Manufacturing Company, for the purpose of manufacturing cotton, in the town of Lancaster, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Powers and
privileges.

1808 ch. 65.

Limitation of
real estate.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, in the said town of Lancaster. [Feb. 12, 1821.]

Chap. 58.

An ACT to incorporate The First Baptist Society, in Newton.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Stephen Dana, Peter Lyon, Josiah Bacon, Nathan Patty, Jonathan Bixby, Jesse Smith, Reuben Stone, Isaac Dana, Jesse Lyon, Thomas Richardson, Eleazer Kingsbury, Seth Colburn, Elisha Wiswall, Elisha Hyde, Enoch Richards, Samuel W. Dix, Lemuel Pratt, and their associates, and such as shall hereafter unite with them, for the purpose of religious worship, and their successors, be, and they are hereby incorporated, by the name of The First Baptist Society, in Newton, with all the powers, privileges, and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Title.

First meeting.

SECT. 2. *Be it further enacted,* That any Justice of the Peace for the county of Middlesex, upon application therefor, is hereby empowered to issue a warrant, directed to a member of the said Baptist Society, in Newton, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to organize the said society, by the appointment of its officers. [Feb. 12, 1821.]

Chap. 59.

An ACT to provide for straightening the Course of the River Aggawaum, in the County of Hampden.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That for the purpose of straightening the course of the

River Aggawaum, near its mouth, in the meadows in West Springfield, the Supreme Judicial Court, at any term thereof, holden in either of the counties of Hampshire or Hampden, be, and they are hereby empowered to appoint three discreet, disinterested freeholders, of either of the said counties, who shall be sworn to the faithful discharge of the duties of their appointment, and who shall have power to meet from time to time, when they may judge it necessary, and view the said river and meadows, hear all persons concerned or interested therein, and determine whether any alterations in the course of the said river would be useful and necessary; and if so, when, where, and in what manner any new channel or channels, shall be cut, and any dam or dams, erected, or obstructions removed, for accomplishing the objects aforesaid; and employ any person or persons to effect the same, upon such terms as the said commissioners may judge reasonable.

Appointment
of commissioners.

Duty of commissioners.

SECT. 2. *Be it further enacted*, That before any channel or channels, shall be cut, or any dam erected, or the waters of said river shall be turned on the land of any person or persons, without his or their consent, bonds, in the judgment of said commissioners, sufficient to indemnify him or them, shall be given, and to secure the payment of such damages as shall be finally awarded; or in case the said commissioners shall adjudge the same reasonable, such damages as the said commissioners shall order and award, shall be paid or tendered. And for the purpose of compensating any person or persons, who may be injured in their lands, or in any other way, by means of cutting such new channel or channels, or by means of any other operation under this Act, and for defraying all expenses incurred by their doings, the said commissioners are hereby empowered to hear all parties interested, and determine the amount of damages by them sustained, and award due compensation therefor; and for that purpose to assess the several proprietors of lands, and other persons, or corporations, benefited by the doings of the said commissioners, such sums as to them may appear just and equal, as well to make compensation, as to defray the expense of erecting such dams, cutting such channels, and removing such obstructions; and also to appoint and swear a collector or collectors, for collecting the taxes so assessed; whose duty it shall be to pay the same to such person as the said commissioners shall appoint to receive the same. And the said collector or collectors, shall receive from the said commissioners, a list or lists, of the said assessments, with their warrant or warrants, for collecting the same; and thereupon, such collector or collectors, shall have the same power to collect such taxes, as collectors have by law, in collecting town taxes.

Award of damages.

Assessment of taxes.

SECT. 3. *Be it further enacted*, That any vacancy which may happen by death, resignation, or otherwise, of any of said commissioners, may be filled in the same manner as is provided in the first section of this Act, for their original appointment.

Vacancies filled.

SECT. 4. *Be it further enacted*, That before any meeting of the said commissioners, to determine on the time and manner of doing the things which they are empowered to do by virtue

Public notice
to be given.

of the first section of this Act; and also any meeting for making the assessments aforesaid, public notice shall be given thereof, at least fourteen days, before the day of holding such meeting, by causing an advertisement, signed by any two of them, in which shall be specified the time, place and object of such meeting, to be published in a newspaper printed in Springfield, two weeks successively; and also by causing like advertisements to be posted up in some public place, in each of the said towns of Springfield and West Springfield, that all persons interested in their doings, may be heard thereon: *Provided however*, That the said commissioners may adjourn any such meeting from time to time, as they may think proper, giving all persons present, notice of the time and place to which they may adjourn. And the said commissioners shall keep a record of their proceedings, and shall be holden to permit all persons interested therein, to inspect the same at all reasonable times.

Appeals for
damages.

SECT. 5. *Be it further enacted*, That any persons aggrieved by the doings of the said commissioners, or of any other person or persons, in pursuance of the authority and powers by this Act given, may appeal to the supreme Judicial Court, holden for the county of Hampden, at the term thereof next after the cause of such grievance shall have accrued: And any person who may have sustained any damage, by any act or thing, done by the said commissioners, or by their authority, when the said damage may have been suffered after the term of said court, holden next after such doings, may also appeal to the said court, at the term holden next after such damages accrued: And the said court are hereby authorized to hear and determine upon such appeal; and if any question of fact shall arise thereon, may direct an issue to be tried by a jury, either upon a view, or at the bar of said court, and may render judgment, and award execution thereon: *Provided however*, That whenever any appeal is made, notice in writing, of such appeal, shall be left with the said commissioners, or one of them; and *provided also*, that no appeal shall be sustained for damages incurred, more than two years after the doing of any Act complained of. [Feb. 13, 1821.]

Proviso.

Chap. 60.

An ACT to establish The Farmers' Association.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Epaphras Hoyt, Isaiah Wing, Orlando Ware, Ralph Williams, John Wilson, Ephraim Williams, 2d, Jonas Bridges, Henry Hitchcock, Charles Hitchcock, Frederick Boyden, Ralph Arms, Quartus Hawks, Asahel Wright, Samuel Catlin, and Elihu Hoyt, together with such others as may hereafter associate with them, be, and they hereby are made a corporation, by the name of The Farmers' Association, for the promotion of agriculture, and for the encouragement of experiments therein; and for this purpose, shall have all the powers and privileges and be subject to the like duties and restrictions as incorporated agricultural societies in this Commonwealth; and the said corporation may hold and possess real estate, not

Powers and
privileges.

exceeding the value of five thousand dollars, and may hold personal estate, the annual income of which shall not exceed the sum of one thousand dollars: *Provided*, That nothing in this Act shall be considered as extending to this corporation, any of the provisions of an Act, entitled, "An Act for the encouragement of agriculture and manufactures," passed the twentieth day of February, in the year of our Lord one thousand eight hundred and nineteen.

Limitation of
real estate.

Proviso.

1819 ch. 114.

SECT. 2. *Be it further enacted*, That the said society shall have authority to establish and maintain a library, and for that purpose may choose such additional officers, as may be necessary, and may raise money by assessments on the several proprietors thereof, as they may judge necessary, for preserving and increasing the same; may make by-laws for the regulation of said library, not repugnant to the constitution and laws of this Commonwealth, and may annex and recover penalties for any breach of such by-laws, not exceeding three dollars for any one breach thereof.

Library.

By-laws.

SECT. 3. *Be it further enacted*, That any Justice of the Peace for the county of Franklin, is hereby authorized to issue a warrant directed to one of the members aforesaid, requiring him to notify and warn the first meeting of said society to be held in Deerfield, at such convenient time and place, as may be appointed in said warrant, to organize said society by electing necessary officers and forming rules and regulations for the governing of the said society. [Feb. 13, 1821.]

First meeting.

An ACT to authorize the Sale of certain School Lands, in the county of Berkshire.

Chap. 62.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Snellein Babbit, Esquire, of Savoy, be, and he is hereby empowered to sell, either by public auction, or at private sale, as he may judge most for the interest of those concerned, and pass deeds to convey all the lands reserved for the use of schools, in the grant originally made to William Bullock, Esquire, and his associates, situate in the county of Berkshire, and the avails of the said sale shall be paid over, and appropriated, as is hereinafter, in this Act provided. And whereas a part of said grant has been incorporated into the town of Savoy, a part thereof, into the town of Florida, and a part into the town of Clarksburgh, and a part thereof, still remains unincorporated;

Grant of powers.

SECT. 2. *Be it therefore enacted*, That the monies arising from said sale, shall be divided between the said towns of Savoy, Clarksburgh, and Florida, and the said unincorporated tract of land, in proportion to the quantity of land in said original grant, included in said Savoy, Florida, and Clarksburgh, and said unincorporated tract of land; the said division to be made under the direction of the judge of probate for the county of Berkshire, upon the principles before mentioned.

Distribution
of money.

SECT. 3. *Be it further enacted*, That the said Snellein Babbit shall, previous to his making sale of the said school lands, give bond to the judge of probate for the said county of Berkshire,

Bonds to be
given.

in a reasonable sum, with sufficient surety, for the faithful performance of his duty therein, and for the faithful application and appropriation of the monies which may come into his hands, from the avails of said lands, according to the provisions of this Act.

Monies to be paid over.

SECT. 4. *Be it further enacted*, That the said Snellm Babbit shall, as soon as may be, after the sale of said lands, pay over the proceeds thereof, to the respective town treasurers of the towns of Savoy, Clarksburgh, and Florida, and also to the treasurer of said territory, at this time unincorporated; *provided*, the same shall then have been incorporated into a town, in proportion to the sums that shall be coming to the said towns respectively, according to the provisions of this Act. And in case the said unincorporated tract shall not have been incorporated into a town, at the time the said monies shall have been received from the said school lands, and ready to be paid over as aforesaid, it is hereby provided, that as soon as there shall be at least ten freeholders residing within the limits of the said unincorporated territory, the said freeholders shall have authority to appoint, from among their number, one as an agent, to receive from the said Snellm Babbit, that portion of the avails of said school lands, to which they may be entitled: *Provided however*, 'That the said agent that may be thus appointed, shall, previous to his receiving the said money, execute a bond, with sufficient surety, in a reasonable sum, to the judge of probate for the county of Berkshire, for the faithful application of the money which may come into his hands, according to the provisions of this Act.

Agent to give bonds.

Sureties.

Permanency funds.

SECT. 5. *Be it further enacted*, That the monies arising from the sale of the said school land, shall be put out at interest, as soon as may be, and secured either by mortgage on real estate, or by two sufficient sureties; and the interest and profits only, of said funds, shall ever be appropriated to the use of schools. And it shall never be in the power of either of the said towns, or of the inhabitants of said unincorporated tract, to alienate or vary the appropriation of the said funds, or to apply them to any other object than the use of schools.

Disposition of funds.

SECT. 6. *Be it further enacted*, That in case the said unincorporated tract shall not have been incorporated into a town, and shall not contain within its limits, at the least, ten freeholders, at the time said Babbit shall have in his hands the monies arising from said school lands, ready to pay over, according to the provisions of this Act, it shall be the duty of the said Babbit to put out on interest, to be secured as beforementioned, that part of said money, to which the said unincorporated territory may be entitled, until the inhabitants shall be enabled to receive the same, according to the provisions of this Act. [Feb. 13, 1821.]

Chap. 63.
See 1821 ch.
110. § 13.

An Act directing the time and manner of appointing a County Treasurer, for the County of Suffolk.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.* That the selectmen, the overseers of the poor, and the board of

health of the town of Boston, and the selectmen of the town of Chelsea, shall meet in convention, in the town of Boston, on the second Monday of June, annually, and elect, by ballot, some suitable person, being an inhabitant of the county, to be county treasurer, for the county of Suffolk, for the term of one year from said second Monday of June, and until another person shall be appointed and qualified to act in his stead. And whenever the said office of county treasurer shall become vacant, by death, resignation, or otherwise, the vacancy shall be filled in the same manner. And the said convention may meet at such other times, and in such manner, as they may from time to time, direct; and may make to the person so chosen to be county treasurer, such allowances for his services in executing the duties of his office, as to them shall seem reasonable. And the person so appointed, and accepting the office, shall be sworn to the faithful discharge of the trust, and shall give bonds for the performance of the duties of said office, to the satisfaction of the convention, above named.

Election of
county treasurer.

SECT. 2. *Be it further enacted*, That the town clerk of the town of Boston, or in his absence, such person as the said convention may appoint, shall be present at all meetings, and shall make a record of the proceedings of the convention, in a book to be kept by him for that purpose.

Record of proceedings.

SECT. 3. *Be it further enacted*, That the selectmen of the town of Boston be, and they are hereby authorized to give notice of the first meeting of the said convention, seven days at least, before the second Monday of June next.

First meeting.

SECT. 4. *Be it further enacted*, That all laws heretofore made, in relation to the mode of electing county treasurers, so far as they relate to the county treasurer of the county of Suffolk, be, and the same are hereby repealed. [Feb. 13, 1821.]

Repeal of all
former laws.

An ACT to change the Names of the Persons therein mentioned.

Chap. 66.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Hayden, junior, son of John Hayden, of Cambridge, trader, shall be allowed to take the name of John Cole Hayden; that Abel Wrifford, of Boston, writing master, may take the name of Allison Wrifford; that Sarah Davis Dorr, daughter of William Dorr, of Dorchester, may take the name of Sarah Whitney Davis Dorr; that Thomas Green, of Boston, printer, may take the name of Thomas Allen Green; that Jacob Read, junior, of Salem, trader, may take the name of John Read; that Nathaniel Fisher, of Boston, merchant, may take the name of George N. Fisher; that William Luscomb, the third, of Salem, son of William Luscomb, junior, late of Salem, painter, deceased, may take the name of William George Luscomb; that Thomas Woodbridge Hooper, of Boston, may take the name of Thomas Woodbridge; that Flavel Fay of Northborough, trader, may take the name of John Flavel Fay; that Charles Parsons, of Boston, merchant, son of Thomas Parsons, of said Boston, merchant, may take

Names changed.

Names changed.

the name of Charles Thomas Parsons; that Consider Howland Hammatt, of Boston, merchant, may take the name of Charles Howland Hammatt; that Elizabeth Stickney, daughter of Thomas Stickney, late of Worcester, deceased, may take the name of Elizabeth Stickney Ward; that Tilley Rice, of Worcester, may take the name of George Tilley Rice; that John Tappan, jun. son of John Tappan, of Boston, merchant, may take the name of John Gallison Tappan; that Darius Holbrook, junior, of Boston, merchant, may take the name of Darius Blake Holbrook; that Phineas James Whitney, of Shirley, son of Thomas Whitney, Esquire, may take the name of James Phineas Whitney; that John Jones, of Boston, jeweller, may take the name of John Belknap Jones; that De Lucena Palmer, of Amherst, may take the name of Frederick Augustus Palmer; that Agnes Bradlee, daughter of John W. Bradlee, of Boston, may take the name of Agnes Love Bradlee; that Thomas H. Oliver, of Salem, gentleman, may take the name of Henry Kemble Oliver; that Lillie Phelps, of Charlestown, may take the name of Elisha Lillie Phelps; that Argalus Thomas, of Western, innholder, may take the name of Samuel B. Thomas; that Abraham Hammatt, son of William Hammatt, late of Boston, deceased, may take the name of Abraham Barker Hammatt; that Joseph Stanley, of Danvers, shoemaker, may take the name of Joseph Ober Prescott; that Daniel Sigourney, of Boston, son of Daniel Sigourney, late of Chelsea, may take the name of Daniel Andrew Sigourney; that Nathan Tufts, the third, of Charlestown, son of Amos Tufts, blacksmith, may take the name of Nathan Adams Tufts; that Abigail Stone, of Lincoln, singlewoman, and daughter of Gregory Stone, may take the name of Abigail Hartwell Stone; that Silas Prouty, of Scituate, mariner, may take the name of Silas Penniman; that Benjamin Downes, of Newburyport, may take the name of Benjamin Robert Downes; that John Harris, of Boston, of the firm of Gores and Harris, may take the name of John Sharrad Harris; that Henry Weed, of Dana, may take the name of Henry Stintson Weed; that Pelham Bonney, of Pembroke, may take the name of Pelham Winslow Bonney; that William Josselyn, of the said Pembroke, may take the name of William Warren Josselyn.

Legality of names.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, the several persons herein beforenamed, shall be known and called by the names, which by this Act, they are respectively allowed to take and assume as aforesaid; and that said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [Feb. 14, 1821.]

Chap. 67.

AN ACT for the regulation of the Shad and Alewife Fishery in Cambridge, Charlestown, Medford, and West Cambridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Act passed on the sixteenth day of February, in the

year of our Lord one thousand seven hundred and eighty-nine, entitled "An Act to prevent the destruction of the fish called shad and alewives, in Mystick river, so called, within the towns of Cambridge, Charlestown, and Medford, and for repealing all laws heretofore made for that purpose," shall be taken and construed to extend to the town of West Cambridge, in the county of Middlesex, as fully to all intents and purposes, as if the said town of West Cambridge had been originally named in said Act; and it shall be lawful for the inhabitants of the said town of West Cambridge, to catch and take any of the said fish within the limits of said town, on all such days and times, as by the provisions of the Act aforesaid, it is made lawful for the inhabitants of the said town of Cambridge to catch them, and on no other days or times.

1783 ch. 68.
(V. 1. p. 238.)

Extension of
former act.

SECT. 2. *Be it further enacted*, That any member of the several committees for the preservation of fish, annually to be chosen in each of said towns of Cambridge, Charlestown, Medford, and West Cambridge, shall have full power and authority to do any act or thing, in any or either of the said towns, which heretofore might have been lawfully done by a majority of either of said committees, within the town where such committee was chosen, and shall be entitled to and enjoy all the privileges and protection, when in the exercise or discharge of their duties, in either of said towns, which a majority of either or any of the said committees were heretofore entitled to and enjoyed, when acting in discharge of their said duties, within the limits of the particular town, for which such committee was chosen. And any person who shall disturb or hinder any or either of said committee men in the execution of the duties of their said office, shall forfeit and pay, for every such offence, a sum not exceeding twenty dollars, nor less than ten dollars; and each and every pecuniary penalty to be forfeited and paid by the aforesaid Act, for a breach or violation of any of the provisions thereof, is hereby raised and increased to a sum not exceeding twenty dollars, nor less than ten dollars in lieu of the sums therein mentioned, to be forfeited and paid respectively.

Powers of
Committees.

Forfeitures.

SECT. 3. *Be it further enacted*, That for the better securing to the said towns of Cambridge, Charlestown, Medford, and West Cambridge, their equal benefit from said fishery, the said town of Medford shall be restricted to fish only on the ebb tide, on such days as by the Act aforesaid are provided for the inhabitants of said Medford, to take said fish; and every person who shall catch or take any of said fish upon the flood tide, within the said town of Medford, or who shall set, or continue in any of the rivers or other waters mentioned in said Act, within the said town of Medford, upon the flood tide, any net, seine, or other fishing implement for the purpose of catching any of said fish, or to obstruct their passage up or down said rivers, streams or waters aforesaid, shall for each and every such offence, incur the like forfeitures and penalties as shall be incurred by force of this Act, by any person who shall catch or take any of said fish contrary to the provisions of the Act mentioned in the first section of this Act.

Restriction in
taking fish.

Penalties.

Prohibitions. SECT. 4. *Be it further enacted*, That the inhabitants of the said town of Charlestown, shall be prohibited and restricted from setting or continuing any net, seine, or other fishing implement in any of the rivers, streams, or waters aforesaid, only while actually drawing or dragging for said fish, except as hereinafter provided; and every person, who shall within the town of Charlestown, set, or continue any such net, seine, or other fishing implement, in any of the rivers or waters aforesaid, which may stop or obstruct the passage of said fish, up or down the same, unless such person, at the same time, shall be actually engaged in drawing or dragging for said fish, except as hereinafter is provided, shall, for each and every such offence, incur like forfeitures and penalties as shall be incurred by force of this Act, by any person who shall catch any of said fish, contrary to the provisions of the Act, mentioned in the first section of this Act: *Provided nevertheless*, that nothing herein contained, shall be construed to deprive the said inhabitants of Charlestown of the right of setting and having one stationary net or seine in Little river, so called, at any and all times, between the hours of twelve of the o'clock at noon, and twelve of the o'clock on the following night, on all such days as are lawful for said inhabitants to take said fish.

Penalties.

Proviso.

Prohibitions. SECT. 5. *Be it further enacted*, That no net, seine, or other fishing implement, shall ever be placed or used in the said Mystic river, nor in the said Little river, within fifteen rods from the point where the waters from those two rivers meet; and every such net, seine, or other fishing implement, which shall be found situated in either of said rivers, contrary to the provision aforesaid, shall be wholly forfeited to the use of any person who shall find the same; and every person who shall be guilty of placing or putting any such net, seine, or other fishing implement in either of said rivers, within fifteen rods from the meeting of the waters of those rivers as aforesaid, shall forfeit and pay for each and every such offence, the sum of twenty dollars, to be recovered before any Justice of the Peace for said county of Middlesex. And any person who shall be guilty of opposing or hindering the removal of any net, seine, or fishing implement, which shall be found situated in either of said rivers, contrary to the provisions of this section, shall forfeit and pay the sum of twenty dollars, to be recovered in the same manner as the forfeiture last above mentioned.

Prosecution for fines.

Penalties. SECT. 6. *Be it further enacted*, That any person or persons, who shall at any one time catch or have in his or their possession, within either of said towns of Cambridge, Charlestown, Medford, or West Cambridge, any of said fish, after they have cast their spawn, to the number of twenty or upwards, shall forfeit and pay for each and every offence, a sum not exceeding twenty dollars, nor less than ten dollars.

SECT. 7. *Be it further enacted*, That every net, seine, or other fishing implement, which shall be placed or used in any of the rivers, streams, or waters aforesaid, within either of said towns, contrary to the provisions of this Act, or the act mentioned in the first section of this Act, as also all fish that shall

be taken contrary to any of the provisions of either of said acts, shall all be forfeited to the use of any person or persons who shall detect or discover any such fish to be taken as aforesaid, or any such net, seine, or other fishing implement to be situated or used as aforesaid; and all forfeitures or penalties to be incurred for a breach of any of the provisions of either of the acts aforesaid, shall be recoverable by any of the inhabitants of either of said towns of Cambridge, Charlestown, Medford, and West Cambridge, in an action of debt, before any court proper to try the same; one half the amount thereof to the use of the plaintiff in such action, and the other half to the use of the town where he belongs. [Feb. 14, 1821.]

Seizure of nets,
seines, &c.

Distribution of
fines.

An Act to regulate the Passage way for Fish through the Canal Mill Dam, in Billerica, and for other purposes.

Chap. 70.
See 1811 ch.
175.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so long as there shall be kept and upheld, a dam across Concord river, in the town of Billerica, where the mill dam of the proprietors of the Middlesex Canal now is situated, there shall be kept open at the usual place in said dam, a sluice or passage way for fish to pass up and down the river through said dam, from the first day of April to the twentieth day of May in each year; which sluice or passage way shall be constructed with a permanent mud sill, to be placed upon the bottom of the natural channel of said river, with permanent abutments and a cross timber at the top, not less than thirty inches above the mud sill, and shall not be less than fifteen feet in breadth, except only, when by reason of the falling of the water in said river, there shall not be more than twenty four inches of water above said mud sill, the said passageway with the advice and consent of the fish wardens of Billerica, given in writing, may be diminished in proportion to the depth of the water; *provided however,* that it shall never be reduced to a less breadth than six feet.

Sluice or pas-
sage way kept
open.

SECT. 2. *Be it further enacted,* That so long as the said proprietors, occupant or person upholding said mill dam, shall cause to be kept open, a sluice or passageway for fish through said dam, of the dimensions aforesaid, and for the time aforesaid, neither of the said proprietors, or any tenant or occupant of said mills or mill dam, shall be liable to any penalty or prosecution whatever, by force of any act relative to the obstruction of the passage of fish up and down said river.

Penalties.

SECT. 3. *Be it further enacted,* That the seventh section of An Act, entitled "An Act further regulating the fishery in the Merrimack river, and the streams running into the same," passed the eighteenth day of June, one thousand eight hundred and nineteen, be, and the same is hereby repealed. [Feb. 14, 1821.]

(1819 ch. 20.)

Repeal of part
of former law.

'An Act relating to the Eighth Massachusetts Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the provisions of the second section of an act, entitled "An

Chap. 71.
1799 ch. 48.
(V. 2. p. 354.)

(1818 ch. 73.) Act in addition to an Act entitled an Act for establishing a corporation by the name of the Eighth Massachusetts Turnpike Corporation," passed the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen, so far as they relate to the amount of toll taken by the said corporation, at their middle gate, be, and the same are hereby extended to the twentieth day of January next. [Feb. 14, 1821.]

Extension of
former law.

Chap. 73.

An Act to annex James Ayer to the First Parish in Haverhill.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Ayer, with his poll and estate, be set off from the East Parish, and annexed to the First Parish in Haverhill; provided, that the said James Ayer shall previously pay his proportion of all taxes assessed upon him, in the said East Parish, before the passing of this Act. [Feb. 14, 1821.]

Chap. 75.

An Act to incorporate the President, Directors and Company of the Falmouth Bank.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elijah Swift, Ward M. Parker, Thomas Swift, Shubael Lawrence, Braddock Dimmick, Nathaniel Lewis, Elisha P. Fearing, William Bodfish, Francis Weeks, and Weston Jenkins, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the president, directors and company of the Falmouth Bank, and shall so continue from the sixth day of August next, until the first Monday of October, which will be in the year of our Lord one thousand, eight hundred and thirty one; and the said coporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "An Act to incorporate the president, directors and Company of the State Bank," excepting so far as the same are modified or altered by this Act, as fully and effectually as if the several sections of said Act were herein specially recited and enacted: Provided, however, that the amount of bills issued from said bank, at any time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.*

Rights and
privileges.

(1811 ch. 84.)

Proviso.

Capital stock.

SECT. 2. *Be it further enacted, That the capital stock of said corporation, shall consist of the sum of one hundred thousand dollars in gold and silver, to be (besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned,) divided into shares of one hundred dollars each, which shall be paid in four equal instalments: the first on or before the fifteenth day of August next, the second on or before the fifteenth day of November next, the third on or before the fifteenth day of June, eighteen hundred and twenty-two, the fourth on or before the fifteenth day of August, eighteen hundred and twenty-two, or at such earlier time as the stockhold-*

ers, at any meeting thereof, may order. And no such stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this Act. And the stockholders at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherways determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors, and assigns, lands, rents, tenements, and hereditaments to the amount of ten thousand dollars, and no more, at one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Conditions for borrowing.

Transfer of stock.

May hold real Estate.

Loan of monies.

SECT. 3. *Be it further enacted*, That the said bank shall be established, kept, and transact their business at Falmouth; and five of the directors thereof, at least, shall be inhabitants of Falmouth.

Location.

SECT. 4. *Be it further enacted*, That no more than three fourths of the directors elected, who shall be in office at the time of an annual election, exclusive of the president, shall be elected for the next succeeding year; and no director shall hold his office more than three years out of four, in succession, except the director that is president at the time of an annual election, who may be reelected.

Limitation of office.

SECT. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimburseable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

State loans.

Proviso.

SECT. 6. *Be it further enacted*, That the persons herein be-

First meeting.

forenamed, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at Falmouth, by advertising the same for one week, at three public places in said town, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, as the said stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Commonwealth may hold stock.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established.

State Directors.

SECT. 8. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors, by law, to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

Cashier to give bonds.

SECT. 9. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond, with two sureties, to the satisfaction of the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

State Tax.

SECT. 10. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

To pay altered bills.

SECT. 11. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited, or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. [Feb. 14, 1821.]

Equality of exchange.

Chap. 76.

An ACT for altering the Names of the Union Cotton Factory Company, and the Brimfield Cotton and Woollen Manufacturing Company.

(1814 ch. 146.)
Alteration of name,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Union Cotton Factory Company, in Monson, County of Hampden, shall hereafter be called and known by the name of the Monson Manufacturing Company.

SECT. 2. *Be it further enacted*, That the Brimfield Cotton and Woollen Manufacturing Company, in Brimfield, in the County of Hampden, shall hereafter be called and known by the name of the Brimfield Manufacturing Company. Title.
(1814 ch. 120.)

SECT. 3. *Be it further enacted*, That said manufacturing companies, shall, from and after the passing of this act, be known by the names which they are hereby respectively allowed to take, and that the same shall be considered as their proper corporate names. [Feb. 14, 1821.] Corporations united—1821. ch. 5. Legality of name.

An ACT to incorporate the Bedford Commercial Insurance Company.

Chap. 30.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Gideon Howland, junior, William R. Rotch, John Howland, junior, Cornelius Grinnell, junior, and Samuel Borden, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Bedford Commercial Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations, contained in a law of this Commonwealth, entitled "An Act to define the powers, duties, and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand, eight hundred and eighteen, and in a law of this Commonwealth, entitled "An Act authorizing the several insurance companies in this Commonwealth, to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand, eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company; *provided*, the said real estate shall not exceed the value of fifteen thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company. Persons incorporated.

Title.
1817 ch. 120.
General powers.

May hold real estate.

SECT. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said company, and the residue in such instalments, and under such penalties as the president and directors shall, in their discretion, direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation. Capital Stock.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be presi- Directors.

Meeting for
election of
Officers.

Votes by
proxy.

Special meet-
ings.

Term of office.

By-laws, &c.

Transfer of
Shares.

dent thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, in each and every year, at such time of the day, and in such place in the town of New Bedford, as a majority of the directors, for the time being, shall appoint; of which election, public notice shall be given by publication in some newspaper printed in New Bedford, ten days at least, previous to such meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *provided*, that no stockholder shall be allowed more than ten votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said directors should not be chosen on the second Monday of April, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the town of New Bedford, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

SECT. 4. *Be it further enacted*, That the directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be president, who shall be sworn or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the president or any directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner herein before directed, respecting annual elections of directors.

SECT. 5. *Be it further enacted*, That the president and four of the directors, or five of them in his absence, shall be a board competent to the transaction of business, and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem

meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in some newspaper printed in New Bedford, in two successive papers, for the purpose of electing their first board of directors, who shall continue in office until the second Monday of April, in the year of our Lord one thousand eight hundred and twenty-two, and until others shall be chosen in their stead: *Provided however*, that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act; *and provided also*, that the said company shall not take any risque, or subscribe any policy by virtue of this act, until one hundred thousand dollars of the capital stock of said company shall have actually been paid in.

SECT. 7. *Be it therefore enacted*, That the said company shall never take, on any one risque, or loan, on respondentia or bottomry, on any one bottom, at any one time, including the sum insured, in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act. [*Feb. 15, 1821.*]

An Act in further addition to the Act incorporating the Boston Library Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Library Society be, and is hereby authorized to hold its annual and other meetings, for the purpose of choosing officers, laying assessments, and transacting such other business as may regularly come before it, at such times as the said society, by any by-law or vote, regularly made and passed, may from time to time fix and appoint; any thing in the act incorporating said society, or in any act in addition thereto, to the contrary notwithstanding. [*Feb. 15, 1821.*]

An Act to incorporate the Hampshire, Franklin and Hampden Mutual Fire Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Hinkley, Joseph Lyman, Isaac Damons, Ebenezer M. Wright, Jonathan Dwight, junior, James Bull, Theodore Lyman, Ebenezer Hunt, David S. Whitney, Solomon Stoddard, junior, Daniel Stebbins, Isaac C. Bates, Samuel Howe, James Shepherd, Erastus Smith, 2d, Lewis Strong, Josiah D. Whitney, and Jonathan H. Lyman, and their associates, and successors, together with all other persons, within the Counties of Hampshire, Franklin and Hampden, who may become members thereof, be a corporation, under the name of the Hampshire, Franklin and Hampden Mutual Fire Insurance Company, and have and enjoy all the privileges and powers incident to corporations.

SECT. 2. *Be it further enacted*, That for the well ordering

Proviso.

First meeting.

Provisos.

Limitation of risques.

Chap. 81.

1794 ch. 4.
(V. 1. p. 526.)
1804 ch. 35.
(V. 3. p. 471.)

Annual meeting.

General powers.

Chap. 83.

Persons incorporated.

Annual meet-
ings.

and governing of the said corporation, they shall, at a meeting of the said company, to be held annually, on the first Wednesday of October, choose five directors, and such other officers as may be deemed necessary for conducting the business of the said corporation, and any three of the said directors may constitute a quorum for the doing of business.

Limitation of
insurance.

SECT. 3. *Be it further enacted*, That the said company be, and hereby are empowered to insure against loss or damage by fire, originating from any cause, except design in the insured, any dwelling house or other building, with their contents, within either of the Counties of Hampshire, Franklin or Hampden, for any term, not less than one, nor more than seven years, and to any amount not exceeding four fifths of the value of the property insured by the said company. The sum which the insured may have a right to claim, shall be assessed by the directors, upon each member of the company, in proportion to the sum by each member insured, or made liable to contribute to losses.

Liabilities.

Proviso.

SECT. 4. *Be it further enacted*, That every person shall be deemed and held to be a member of this corporation, who has an interest in any property insured by said person, with the company; but his or her right shall cease, whenever the said member parts with his or her legal or equitable interest in the property insured; and his or her liabilities shall be at an end, whenever the said member notifies in writing to the directors, that he or she has no longer any interest in the property insured by the company: *Provided however*, that the rights and liabilities of every member shall devolve on the heirs, executors and administrators of such member.

Estimate of
losses.

Proviso.

SECT. 5. *Be it further enacted*, That whenever any loss by fire shall happen to a member, upon any property insured by the said company, the said member shall give notice thereof to the directors, or any one of them, within forty-eight hours after the same happens; and the said directors shall immediately view the same, and determine in writing, signed by their names, the extent of the liabilities of said company; and if the sufferer will not acquiesce in their determination, he or she may bring an action at law against the said company, at the first court competent to try the same, sitting within either of the Counties of Hampshire, Hampden, or Franklin; and if the said sufferer does not recover more than the amount determined upon by the directors as aforesaid, said member shall become nonsuit, and the company shall recover their costs; *provided however*, that the said judgment shall not bar the said sufferer from claiming the amount determined to be due to him by the directors as aforesaid, within thirty days from the said nonsuit; but if the said member suffering, shall recover more than the amount determined by the directors as aforesaid, judgment shall be entered up in his favour for the whole sum found by the verdict, with interest, at the rate of twelve per centum per annum, added thereto, with full costs; but execution shall never issue against the said company.

SECT. 6. *Be it further enacted*, That whenever any member shall have a claim upon the several members of the company, in case of any loss or judgment as aforesaid, the directors shall assess the amount of such loss or judgment, together with a reasonable compensation for themselves, and other officers of the company, upon each and every member thereof, according to their respective liabilities, requiring each member to pay his or her proportion of the loss or judgment as assessed upon them, with interest on demand, to the person who has a claim as aforesaid, or to his or her agent or attorney; and such bill of assessment, being signed by a major part of the directors, and countersigned by the secretary, and delivered to the claimant, within twenty days after his or her claim is liquidated, either by agreement of the parties, or judgment of the court, shall operate a complete discharge of the company as such, and a release of any judgment which the claimant may have against it; *provided*, that the claimant first pay the charges of making up the assessment, and discharge the company from any claim or judgment, he or she may have against it.

Liability of
members.

SECT. 7. *Be it further enacted*, That in case the directors, whose duty it may be, neglect to tender a bill of assessments, in the cases contemplated by the foregoing sections, in the manner therein prescribed; or in case the directors neglect to determine the loss of any party claiming, then any party aggrieved thereby, may, at any time within one year from the time of such neglect of the directors, bring an action against such delinquent directors, or sue a writ of *scire facias* against them, upon the judgment which the said party may have against the company, and have judgment and execution against said delinquent directors, in their individual capacity; and in this case, the said delinquent directors shall be entitled to demand and have of the directors, for the time being, within thirty days after judgment against them as aforesaid, a bill of assessment in their favour, and for their reimbursement in the form prescribed by this act; but neither the cost of the judgment or execution shall be assessed for them.

Delinquency of
directors.

SECT. 8. *Be it further enacted*, That every bill of assessment, authenticated in the manner herein prescribed, shall confer upon the party in whose favour it shall be made, and the heirs, executors and administrators of such party, authority in their own names, to collect, sue for, and discharge each and every person made liable thereby: *Provided*, however, that no action shall be commenced against any person whatever, until sixty days after demand made in virtue of said bill of assessment.

Liability of
heirs.

SECT. 9. *Be it further enacted*, That the directors shall determine the nature and hazard of all risks, and all those which may be deemed more hazardous than ordinary, shall contribute to losses upon a larger sum than that at which they are actually insured; and the sum upon which the insured is to contribute, shall be distinguished in the policy, from the sum on which insurance is made.

Hazards.

Forfeitures. SECT. 10. *Be it further enacted*, That if any member of the said company do insure any property insured by the said corporation, with any other individual or insurance company, without the consent of the directors of this company, such member shall forfeit his or her insurance in this corporation, but shall not be exonerated from the liabilities to contribute to losses.

First meeting. SECT. 11. *And be it further enacted*, That any two of the associates herein aforementioned, may, as soon as they may deem proper, call a meeting of the said corporation, to be held at such time and place as they may judge most convenient, by a notification in the newspaper printed at Northampton, seven days before the time of holding such meeting, in order that the said corporation may organize themselves, make suitable by-laws, and proceed in the business of their association. [*Feb. 15, 1821.*]

Chap. 88. An ACT concerning Grand and Traverse Jurors for the County of Hampshire.

Writs of Venire Facias. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whereas, owing to the decease of the late clerk of the courts for the County of Hampshire, a vacancy existed in that office at the time proper by law for the issuing of writs of *Venire Facias* for the Grand and Traverse Jurors to attend the next term of the Supreme Judicial Court to be holden at Northampton, within and for the county aforesaid, on the first Tuesday of May next; the writs aforesaid, which have been since issued for the purpose aforesaid by the present clerk of the courts in said county, shall be taken and deemed to have been duly and legally issued, any law, custom or usage to the contrary notwithstanding. [*April 28, 1821.*]

Chap. 98. An ACT to authorize a Special Term of the Court of Sessions for the County of Hampshire.

Extra Term of Court of Sessions. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*. That the Justices of the court of sessions for the county of Hampshire, be, and they are hereby authorized, to hold a term of said court on the third Tuesday of May next, for the purpose of opening and comparing the returns of votes from the several towns in said county for a Register of Deeds; and the same proceedings shall be had as are now authorized by law at any regular term of said court. [*April 28, 1821.*]

Chap. 1. An Act in addition to an Act, entitled "An Act to incorporate the Trustees of Hopkins Academy."

1815 ch. 104.

Limited number of Trustees.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the number of the Trustees of Hopkins Academy, and their successors, shall not, at any one time, be more than fifteen, nor less than five; and a majority of the whole number, for the time being, shall constitute a quorum for transacting business; and a majority of the members present at a legal

meeting, shall decide all questions proper to come before the Trustees.

SECT. 2. *Be it further enacted*, That the fifth section of the act, entitled "An Act to incorporate the Trustees of Hopkins Academy," be, and the same is hereby repealed. [June 9, 1821.]

Section of act repealed.

An ACT regulating the Assessment of Taxes in the Town of Salem.

Chap. 2.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Salem may, at their meeting for the choice of town officers, or at any other meeting called for that purpose, annually elect twelve persons, to wit: three from each of the four wards of said town, to assist the assessors in taking a list of the polls, in estimating the value of their personal property, and appraising the value of all real estates in said town. And in case of the death or resignation of any person, so chosen to assist the assessors, the selectmen of said town are hereby required to call a new meeting of the inhabitants, to choose a suitable person to supply the vacancy.

Choice of Assessors.

SECT. 2. *Be it further enacted*, That said inhabitants may, at any time previous to choosing said assistant assessors, vote that they shall be chosen for that year in distinct wards; in which case, the said wards shall be separately assembled, within twenty days afterwards, as follows, viz.: the town clerk shall issue a warrant for each ward, directed to one of the constables, and requiring him to notify and warn the inhabitants of that ward, qualified to vote in town affairs, to assemble at the time and place therein specified, to choose a moderator and clerk, and also three persons to be assistant assessors. And the several ward clerks shall, within two days after such meetings, make return to the town clerk, in writing, of the names of the assessors so chosen; and they shall thereupon be notified of their choice in the same manner as other town officers; and in case of the death or resignation of any of them, a new ward meeting shall be called in like manner, to fill the vacancy.

Regulations of Meetings.

SECT. 3. *Be it further enacted*, That the act passed at the second session of the last General Court, entitled "An Act regulating the assessment and collection of taxes in the town of Salem, be, and hereby is repealed." [June 11, 1821.]

Vacancies may be filled.

1820 ch. 72.
Former act repealed.

An ACT to incorporate the Essex Historical Society.

Chap. 4.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward Augustus Holyoke, of Salem, in the county of Essex, Doctor of Medicine, and such other persons as have associated, and may hereafter associate themselves with him, for the purpose of collecting and preserving materials for the civil and natural history of the said county of Essex, be, and they hereby are made a body corporate and politic, by the name of the Essex Historical Society; and by that name, they and their successors may sue and be sued,

Persons incorporated.

General pow-
ers.

May hold
personal es-
tate.

May sell lands
or other pro-
perty.

May elect Offi-
cers.

Location.

and shall be capable in law, to take and hold in fee simple or otherwise, lands, tenements, rents and hereditaments, not exceeding in the whole, the yearly value of two thousand dollars, exclusive of the building or buildings which may be actually occupied for the purposes of the said corporation; and they shall also be capable in law, to take, receive, and hold personal estate, to an amount, the yearly value of which, shall not exceed the sum of two thousand dollars, exclusive of the books, papers, memorials, and other articles composing the library and cabinet of the said corporation; and they shall also have power to sell, demise, exchange, or otherwise dispose of all, or any part of their lands, tenements, rents, hereditaments and other property aforesaid, for the benefit of the said corporation, and shall also have a common seal, which they may break, alter and renew at their pleasure, and shall also have power to make by-laws, with suitable penalties, not repugnant to the laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said corporation shall have power, from time to time, as they may think fit, to elect a president and such other officers as they shall judge necessary; and at their first meeting, they may agree upon the manner of calling future meetings, and proceed to execute all or any of the powers vested in them by this Act.

SECT. 3. *Be it further enacted*, That the library and cabinet of the said corporation, shall be kept in the town of Salem, aforesaid.

SECT. 4. *Be it further enacted*, That the said Edward Augustus Holyoke be, and hereby is authorized to notify the said first meeting of the said corporation, by an advertisement thereof, under his hand, for seven days before such meeting, in any newspaper printed in Salem, aforesaid. [June 11, 1821.]

Chap. 5.
See 1814 ch.
120. 146.
1820 ch 76.

An ACT to incorporate the Monson and Brimfield Manufacturing Company.

Union of Com-
panies.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Monson Manufacturing Company, and the Brimfield Manufacturing Company, in the county of Hampden, be, and hereby are united, and shall hereafter constitute one corporation, under the name of the Monson and Brimfield Manufacturing Company.

Liability.

SECT. 2. *Be it further enacted*, That the said Monson and Brimfield Manufacturing Company shall be, and they hereby are made liable for all debts and claims which may exist against either the Monson Manufacturing Company, or the Brimfield Manufacturing Company, at the time of the passing of this act. [June 12, 1821.]

Chap 6.
1815 ch. 88,

An ACT in addition to an Act, entitled, "An Act, to incorporate the President, Directors and Company of the Bedford Commercial Bank."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the capital stock of the president, directors and com-

pany of the Bedford Commercial Bank, shall be increased the sum of fifty thousand dollars, in addition to the sum of one hundred thousand dollars, which the said corporation is directed to hold, by the act, entitled "An Act to incorporate the president, directors and company of the Bedford commercial bank;" and shall be divided into shares of one hundred dollars each, any thing in the Act aforesaid, to the contrary notwithstanding.

Increase of stock.

Shares.

SECT. 2. *Be it further enacted*, That the sum which shall be added to the capital stock of said corporation, by virtue of this Act, shall be subscribed and paid in, in gold and silver under the control of the directors, for the time being, within one year from the first day of July next; *provided*, that the said corporation shall not loan any money, or discount any bills on the additional capital hereby authorized, until they shall have produced satisfactory evidence to the Governor and Council, that the said additional sum of fifty thousand dollars has been paid in, and actually exists in gold and silver in their vaults; *and provided also*, that all the provisions, rules, and regulations of the Act incorporating the president, directors and company of the Bedford commercial bank, shall extend to the additional capital hereby authorized. [June 12, 1821.]

Limitation of time for paying in stock.

AN ACT to incorporate the Third Centre School District, in the Town of Billerica.

Chap. 7.

WHEREAS Josiah Crosby, late of said Billerica, deceased, by his last will and testament, did give and bequeath to the said district, by (the name of the south school ward,) three hundred dollars, to be, by the inhabitants thereof, appropriated for the use of the school, in such manner, and under such limitations as in said will are specified:

School gift.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the said Third Centre School District, according to the limits now established by said town of Billerica, be, and they hereby are incorporated into a body politic, by the name of the Third Centre School District in the town of Billerica; and that the said inhabitants and their successors, by that name, shall remain a body corporate and politic forever, with power to have a common seal, and to sue and be sued by the name aforesaid.

General powers.

SECT. 2. *Be it further enacted*, That the said district shall have power to choose a clerk and treasurer, and such other officers as may be necessary, and to establish and ordain such rules, regulations and by-laws, as they may think proper for the orderly management of their school, and also for securing and managing the said legacy, conformably to the terms upon which the same was given; and also all such sums of money, and other property, as may hereafter be given them; and such proportion of the monies granted from time to time by the said town of Billerica, as the said district shall be entitled to re-

Officers to be chosen.

By-laws.

ceive; *provided*, said rules, orders, and by-laws, be not repugnant to the laws of the Commonwealth; *and provided also*, that nothing in this Act contained shall be construed to take from the town of Billerica the right they have by law to alter the limits of said district, in the same manner that they may, any other district in said town.

First meeting.

Qualified voters.

SECT. 3. *Be it further enacted*, That Samuel Whiting, Esquire, of said Billerica, be authorized to issue his warrant to some suitable person in said district, to notify and warn a meeting of such of the inhabitants of the same as are qualified by the constitution to vote in state elections, to meet at the school house in said district, at such time as he shall think proper, to choose the necessary officers, agree upon the manner of calling future meetings, and transact such other business as may be duly inserted in said warrant; and no other person but those qualified as aforesaid, shall be allowed to vote at any meeting of said district. [June 14, 1821.]

Chap. 8.

An Act to incorporate the Salt Manufacturing Company, on Billingsgate Island, in Barnstable Bay.

Persons incorporated.

Powers and privileges.

(1821 ch 65.)

Limitation of real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Cobb, Isaac Foster, junior, and David Snow, of Brewster, and Josiah Whitman, of Wellfleet, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Salt Manufacturing Company, for the purpose of erecting salt works, flakes for curing fish, and such other improvements as may be found expedient, on Billingsgate island, in Barnstable bay; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding ten thousand dollars, and such personal estate, not exceeding fifty thousand dollars in value, as may be necessary and convenient for carrying on the manufactory aforesaid. [June 14, 1821.]

Chap. 9.

An Act to incorporate the Boston Fuel Savings Institution.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Quincy, John Cheverus, William Ellery Channing, Henry Ware, Samuel Adams Wells, John Ware, Samuel H. Walley, John Tappan, Benjamin Guild, Samuel Dorr, Thomas B. Wales, Edward Phillips, Francis J. Oliver, Benjamin Whitman, Edmund Winchester, Edward Oliver, Benjamin Russell, Samuel Snelling, James Savage, Gideon Snow, Thomas Vose, Gedney King, Nathan Webb, Ebenezer Parker, Nathan Hale, Henry Purkitt, William Howe, Thomas Howe, Benjamin Greene, Joshua P. Blanchard, Pliny Cutler, Barzillai Holmes,

Edmund Wright, junior, Francis Green, Thomas Jackson, John Thayer, Henry D. Gray, Joseph Lewis, James Davis, Peter McIntosh, junior, Nathaniel G. Snelling, Henry Holmes, John C. Proctor, Jonathan Ingalls, John D. Dyer, David Hale, junior, Joshua Emmons, John Baker, Josiah Stedman, Moses Grant, and Henry J. Oliver, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated, by the name of the Boston Fuel Savings Institution; and by that name shall be a corporation forever, for the purpose of purchasing wood for the poor; with power to have a common seal, to receive any sum or sums from persons disposed to enjoy the advantages of said institution, to make contracts relative to the objects thereof, to sue and be sued, to establish by-laws and orders for the regulation of said institution, and the preservation and application of its funds; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and to take and hold real and personal estate, not exceeding the sum of ten thousand dollars in value.

General powers.

SECT. 2. *Be it further enacted*, That said corporation shall annually meet in Boston, at such time and place, as they may from time to time appoint, for the purpose of electing, by ballot, such officers as they may think proper, who shall hold their respective offices for one year, and until others shall be elected and qualified in their stead; with such powers and duties as may be prescribed by the by-laws of said corporation.

Appointment of officers.

SECT. 3. *Be it further enacted*, That any two of the persons above named, be, and they hereby are authorized to call the first meeting of said corporation, by advertisement printed in any newspaper published in the town of Boston, at least seven days before the time appointed for such meeting. [June 15, 1821.]

First meeting.

An ACT to incorporate the Society for employing the Female Poor.

Chap. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elizabeth Munroe and her associates, and those who may become associated with her, be, and hereby are incorporated into a society, by the name of the Society for employing the Female Poor; and by that name, they shall be a corporation forever; with power to sue and be sued, to have a common seal, and the same to alter at pleasure; to take, hold and possess any estate, real or personal, by gift, grant, purchase, devise or otherwise; and the same to improve, lease, exchange, or sell and convey for the benefit of the said society: *Provided*, that the value of the real estate of said society shall never at any one time, exceed twenty thousand dollars; and the annual income of the whole estate of said society shall not exceed ten thousand dollars.

Persons incorporated.

General powers.

Proviso.

SECT. 2. *Be it further enacted*, That the said society shall meet annually in Boston, at such time as by their by-laws shall be designated, and elect a president, secretary, treasurer, and such a number of trustees, as the society shall from time to

Election of officers.

time think fit, who shall hold their respective offices one year, and until others are chosen.

Government of the society. SECT. 3. *Be it further enacted*, That for the better management of their funds, and to enable the society to accomplish the object of their association, they may make, and, at their pleasure, alter any by-laws which they may think necessary, which shall be binding as if they were a part of this Act: *provided however*, that such by-laws shall not be repugnant to the constitution and laws of this Commonwealth.

First meeting. SECT. 4. *Be it further enacted*, That the said Elizabeth Munroe be, and she hereby is authorized to call the first meeting of said society, by giving public notice of the time and place of meeting, by advertising the same in one or more of the newspapers printed in Boston, at least three days before the time of the meeting; and at such meeting, the society may be organized under this Act, and the officers herein provided for, may be chosen to serve until the annual election of officers, agreeably to the provisions of this Act. [June 15, 1821.]

Chap. 12.

An ACT to establish the Town of North Bridgewater.

Separation. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of the north parish of Bridgewater, which lies within the said town of Bridgewater, according to the present territorial limits thereof, be, and hereby is established as a separate town, by the name of North Bridgewater; and the inhabitants of the said town of North Bridgewater are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Liquidation of taxes. SECT. 2. *Be it further enacted*, That the inhabitants of the town of North Bridgewater shall be holden to pay the arrears of all state, county and town taxes, which have been legally assessed upon them, together with their proportion of all debts due from the said town of Bridgewater, prior to the date of this Act. And the said town of North Bridgewater, shall be entitled to receive their proportion of the said debts and taxes due to the said town of Bridgewater, when collected and paid into the treasury of said town; and the said town of North Bridgewater shall be entitled to hold their proportion, according to the present valuation of all the real and personal property belonging to the town of Bridgewater, before the passing of this Act.

Town property. SECT. 3. *Be it further enacted*, That the said town of North Bridgewater shall be holden to support their proportion of the poor of the town of Bridgewater, which are now chargeable to said town; which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable as paupers, to the said towns of Bridgewater or North Bridgewater, shall be considered as belonging to that town on the territory of which they had their settlement, at the time of the passing of this Act, and shall in future be chargeable to that town only.

Support of poor.

SECT. 4. *Be it further enacted*, That all future state and county taxes, which may be levied on the said towns of Bridgewater and North Bridgewater, previous to a new valuation, shall be assessed and paid in the same proportion as they now are according to the present valuation.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Plymouth, is hereby empowered, upon application therefor, to issue a warrant directed to a freehold inhabitant of the said town of North Bridgewater, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers, as towns are, by law, required to choose and appoint at their annual town meetings. [June 15, 1821.]

An Act in addition to an Act, entitled "An Act to incorporate the Protestant Episcopal Parish of St. James' Church, in Greenfield." Chap. 13.
1813 ch. 45.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, the Protestant Episcopal Parish of St. James' Church, in Greenfield, shall have power to purchase and hold real estate, not exceeding ten acres of land, and to purchase or build thereon, and keep in repair, a suitable house and out houses, for the accommodation of the priest or rector of said parish, together with a vestry room and such other buildings as may be necessary for the convenient accommodation of those who may attend public worship at said church; the whole amount of the value of said premises not to exceed five thousand dollars.

SECT. 2. *Be it further enacted*, That at the annual meetings, on Easter Monday in each year, or at any adjournment of such meetings, the said parish may make or order reasonable taxes and assessments for the erection of buildings, or the purchase of any real estate authorized by this Act, or for the preservation, repairs or improvement of the same; the said taxes to be apportioned upon the polls and estates of the members of said parish, according to the valuation of their respective estates, by the assessors of the parish.

SECT. 3. *Be it further enacted*, That if any member of the said parish, shall refuse or neglect to pay any tax assessed upon him or her, by virtue of this Act, or any tax which has been legally assessed upon him or her, for the support of public worship in said parish, or any money which may be due from him or her, for the rent of a pew or pews in the said church, after notice and demand thereof by the collector or treasurer of the said parish, the same may be recovered by an action of debt, or upon the case, to be brought in the name of the treasurer, for the time being, against any such delinquent member of said parish, or the person from whom the same may be due, or his or her executor or administrator.

SECT. 4. *Be it further enacted*, That the wardens and vestrymen of the said parish, for the time being, shall be the trustees of the minister's fund belonging to the said parish, and shall

have the management of the same, together with all other property belonging to the said parish, subject to the control and direction of said parish; and shall have authority to sue for and collect any money which may be due and owing to the said parish. [June 14, 1821.]

Chap. 15.

An ACT to prevent the destruction of Fish in the Town of Framingham.

Restrictions.

Fines and penalties.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person to set or use more than one hook, at any one time, on any of the ponds or streams within the town of Framingham, in the county of Middlesex; nor shall it be lawful for any person or persons, to draw any seine or net, in any of the ponds or streams in said town; nor shall it be lawful for any person to set any pot or net in any of the streams aforesaid. And if any person or persons shall, after the passing of this act, be found setting or using more than one hook, at any one time, such person or persons shall, for each hook so set or used, after the first, forfeit and pay a sum of not less than one dollar; and if any person or persons shall, after the passing of this act, draw any seine or net, in any of the ponds or streams within said town, or shall set any pot or net, in any of the ponds or streams aforesaid, he or they so offending, shall forfeit and pay a sum of not less than five dollars, and shall forfeit the pot, seine or net, so used, to the use of said town.

Accountability.

Proviso.

SECT. 2. *Be it further enacted,* That all penalties, incurred by any breach of this act, may be recovered by any person, who shall sue for the same, in any court in said county of Middlesex, proper to try the same. And if any minor or minors, shall offend against the provisions of this act, and shall thereby incur any of the penalties aforesaid, the parent, master or guardian of such minor or minors, shall be answerable therefor; in which case the action shall be commenced against such parent, master or guardian (as the case may be) of such minor or minors, and judgment rendered accordingly: *Provided however,* that the inhabitants of said town of Framingham may, at their meeting in March or April, annually, suspend in whole or in part, the provisions and restrictions of the act aforesaid, for any term of time, not exceeding one year. [June 15, 1821.]

Chap. 16.

An ACT to authorize and empower the Trustees of Eliot School to sell and dispose of certain Lands.

1803 ch. 147.

(V. 3. p. 414.)

May sell Lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the trustees of Eliot School be, and they are hereby authorized and empowered to sell and convey in fee simple, all or any part of twenty-one acres of land, situated on Jamaica Plain, so called, in the town of Roxbury, which were granted, and conveyed by the Reverend Jolin Eliot, formerly pastor of the first church in said Roxbury, by deed, dated the tenth day of July, in the year of our Lord one thousand six hundred and eighty-nine, unto certain persons in said deed named, for the

support and maintenance of a school in that part of Roxbury, aforesaid, then called Jamaica or Pond Plain; and the said trustees of Eliot School, are hereby directed and required to invest the proceeds of sale, of all or any part of the land aforesaid, as soon as conveniently may be, after such sale, in other real estate, or to loan the same on interest, with mortgage of real estate as collateral security for the payment thereof, according to the discretion of said Trustees, and to appropriate the income of the same to, and for the use and purposes in said Eliot's deed of conveyance, limited and expressed. [June 15, 1821.]

Investment of property.

An Act to change the Names of the persons therein mentioned, and to change the name of the Second Social Library, in Charlestown.

Chap. 17.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the several persons herein named, shall be known and called by the names, which by this act, they are respectively allowed to assume; and that the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes; viz.: Ebenezer Dorr, junior, may take the name of Ebenezer Ritchie Dorr; that Peter Albertus Von Hagen, junior, may take the name of Davis Coolidge Ballard; that Ebenezer May Meriam, may take the name of George May Meriam; that James Otis, junior, merchant, may take the name of James Allen Gardner Otis; that John Cooper Russell, may take the name of John Brown Frazier Russell; that Rachel Coddington Thayer, may take the name of Caroline C. Thayer; that Ebenezer C. Thayer, may take the name of Nathaniel Thayer; that Ira Smith, printer, may take the name of Fernando Victor Smith; that Thomas Goodwin, son of Thomas Goodwin, formerly of Portland, may take the name of Thomas Crosswell Goodwin; all of Boston, in the county of Suffolk; that William Balch, the 3d, of Bradford, may take the name of William Savory Balch; that Daniel Stickney, junior, of Bradford, may take the name of Daniel Balch Stickney; that Samuel Stickney, junior, of Rowley, may take the name of Samuel Warren Stickney; that Joseph Moody Stickney, of Rowley, may take the name of Joseph Pike Stickney; that Samuel Lunt, junior, of Newbury, son of Nicholas Lunt, may take the name of Samuel Laban Scott Lunt, all of the county of Essex; that Eleazer Bradshaw Edes, son of the late Peter Edes, of Charlestown, may take the name of Eleazer Edes Bradshaw; that Calvin Sanger, junior, son of Calvin Sanger, Esquire, of Sherburne, may take the name of Calvin Phipps Sanger; that Asa Jarvis, of Concord, son of Francis Jarvis, of Concord, may take the name of Edward Asa Jarvis; that Josiah Nottage, trader, of Cambridge, may take the name of Josiah Nottage Marshall; that Marshall Stone, of East Sudbury, may take the name of Marshall Damon Spring Stone, all of the county of Middlesex; that Asa Augustus Miles, of Ashburnham, son of Captain Isaac Miles, of Waltham, may take the name of Augustus Strong; that David Stone, of Grafton, son of Gregory Stone, may take the name

Persons changing their names.

Persons changing their names.

of Gregory David Stone, all of the county of Worcester; that Solomon Sylvester Ware, of Chesterfield, in the county of Hampshire, may take the name of Jonathan Sylvester Ware; that John Van Deusen, of Great Barrington, in the county of Berkshire, may take the name of John C. Van Deusen; that Helen Bartlett, of Roxbury, daughter of Doctor John Bartlett, may take the name of Ann Matilda Bartlett; that Jonathan Battle, of Dover, may take the name of Jonathan Battell; and that each of his children, viz.: Jonathan, Ralph, Leonard, Clarissa, Adeline, and Mehitable, may take the name of Battell, all of the county of Norfolk; that Meshack Fifield, of Nantucket, trader, son of Mark Fifield, of New Hampshire, may take the name of Henry Fifield; that Atkins Dyer Pocock, of Wellfleet, in the county of Barnstable, may take the name of Atkins Dyer; that John Woodward Perry, of Seekonk, in the county of Bristol, may take the name of John Perry Woodward.

Name of library changed.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, the proprietors of the Second Social Library in Charlestown shall be allowed to assume the name of the Charlestown Union Library, any thing contained in their act of incorporation to the contrary notwithstanding. [June 15, 1821.]

Chap. 18.

AN ACT to incorporate the Boston Steam Boat Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John L. Sullivan, with such persons as may associate with him, be, and they hereby are incorporated, under the name of the Boston Steam Boat Company, for the purpose of constructing steam boats, and the machinery appertaining to them, in the towns of Medford and Boston, and of vending or using the same; and for this purpose shall have all the powers and privileges, and be subject to all the duties and restrictions prescribed in the act passed the third day of March, eighteen hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and of the several acts supplementary thereto.

Powers and privileges.

1808 ch. 65.

Liability of individuals.

SECT. 2. *Be it further enacted*, That every person, who shall become a member of said corporation, shall be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation.

Limitation of Stock.

SECT. 3. *Be it further enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, divided into four hundred shares, the proprietors of which shall be entitled to vote in all meetings, in proportion to their number of shares. [June 15, 1821.]

Chap. 19.

AN ACT to incorporate the Trustees of the Sanderson Academy and School Fund.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Spaulding, Joseph Field, Elisha Billings, Ephraim Williams, Elijah Paine, Enos Smith, Thomas White, Thomas

Longley, Theophilus Packard, Thomas Shepperd, Moses Miller, Thomas Sanderson, Samuel Bement, and Dimick Ellis, be, and they hereby are appointed trustees for the management of certain funds bequeathed by Alvan Sanderson, late of Ashfield, for a School Fund, and incorporated into a body politic, by the name of the trustees of the Sanderson Academy and School Fund; and they and their successors shall be and continue a body politic by the same name forever. Trustees.

SECT. 2. *Be it further enacted*, That all grants and donations which have been, or shall be hereafter made for the purpose aforesaid, shall be confirmed to the said trustees and their successors, in that trust forever, for the uses which in such instruments are, or shall be expressed; *provided*, such uses shall not be repugnant to the design of this act. And the said trustees shall be further capable of having, taking and holding in fee, by gift, grant, devise or otherwise, any lands, tenements or other estate, real or personal; *provided*, the annual income of the whole shall not exceed three thousand dollars. Confirmation of grants. Proviso.

SECT. 3. *Be it further enacted*, That the said trustees shall have full power, from time to time, as they shall determine, to elect such officers of the board as they shall judge necessary, and fix the tenure of the offices; to remove any trustee from the corporation, when in their opinion he shall be incapable (through age or otherwise,) of discharging the duties of his office; to fill all vacancies in the board of trustees, to determine the times and places of their meetings, and manner of calling the meeting to elect Instructors in said school, and determine the duties and tenures of their offices, and to ordain reasonable orders and by-laws, not repugnant to the laws of this Commonwealth. Power of Trustees. Vacancies to be filled.

SECT. 4. *Be it further enacted*, That the trustees of the said school fund may have one common seal, which they may change at pleasure; that the trustees may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Sanderson Academy and School Fund. May sue and be sued.

SECT. 5. *Be it further enacted*, That the number of trustees and their successors, shall not, at any one time, be more than fifteen, nor less than five, and five shall be a quorum for transacting business; and a majority of the members present, at any legal meeting, shall decide all questions proper to come before the trustees. Number of Trustees.

SECT. 6. *Be it further enacted*, That Elijah Paine, Esquire, be, and he hereby is authorized to fix the time and place of holding the first meeting of the trustees, and notify them accordingly. [June 15, 1821.] First meeting.

An Act to empower the inhabitants of the Town of Lynn to appoint a Board of Health, and for removing and preventing nuisances in said town. Chap. 21.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the freeholders and other inhabitants of the town of Lynn, qualified to vote for town officers, may, in the month of April

Officers to be
chosen.

or May, annually, or at any other meeting, legally called for the said purpose, choose a Board of Health, consisting of five persons; the members of which Board of Health shall elect a chairman, and a clerk, whose duty it shall be to record the votes and doings of the said Board: And in case of the death or resignation of the members thereof, the said freeholders or other inhabitants may, at any legal meeting called for that purpose, elect another to supply his place.

Duties of the
Board.

SECT. 2. *Be it further enacted*, That it shall be the duty of the said Board of Health, and each member thereof, to examine into all nuisances, and all other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter houses, tan yards, fish, fish houses, docks, necessities, hog sties, putrid animal, or vegetable substances, or any other causes whatsoever, which, in his or their opinion, may be injurious to the health of the inhabitants aforesaid; and upon complaint on oath, being made to any justice of the peace, by any member of the said Board of Health, or other person, that he suspects any of the nuisances or causes aforesaid to exist in any dwelling house, cellar, store, or other building, ship or vessel, it shall be the duty of such justice, to issue his warrant, directed to the sheriff of the county of Essex, or his deputies, or to any constable of the town of Lynn, commanding him or them, forcibly to enter, and together with a member of the said Board of Health, to search the same, in the day time; and upon the discovery of such nuisance, or other cause, injurious to the health of the inhabitants, to remove the same: *Provided however*, That no sheriff, or deputy sheriff, or constable shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services, so made, under colour of such entry, shall be utterly void; and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And any person or persons who shall resist such search, shall forfeit and pay the sum of thirteen dollars, to be recovered in manner hereinafter provided.

Proviso.

Penalties.

And it shall be the duty of the said Board of Health, upon the discovery of any such nuisance, or other cause injurious to the health of the inhabitants of said town, forthwith to remove the same; and upon complaint to any Justice of the Peace, within the said town, or in said county, made upon oath, by one or more of said Board of Health, briefly therein stating the facts, together with the costs of such removals, such Justice shall grant a warrant, expressing the substance of said complaint, directed to the sheriff of the county of Essex, or his deputy, or any constable of the said town of Lynn, commanding him to notify and require the person or persons in whose possession or upon whose estate such nuisance, or other cause aforesaid existed, or in case of his absence, his agent or attorney, to appear forthwith before such Justice; and if such person or persons neglect then and there, to appear, or appearing, do not shew good

Suits may be
instituted for
offences.

cause, to the satisfaction of said Justice, why judgment should not pass against him or them, the said Justice shall then and there adjudge that such person or persons shall pay a fine of thirteen dollars, and the costs of such removal, and double costs of prosecution; and shall thereupon issue his warrant, directed to the sheriff of the county of Essex, or his deputy, or any constable of the town of Lynn, thereby commanding him to levy the expense of said removal, together with said fine and double costs, on the goods and estate, and for the want thereof, on the body of the said occupier or proprietor of the house, land, cellar, dock, store or vessel in which said nuisances existed; and the said fine shall be paid over to the town treasurer for the use of said town: *Provided always*, That any person or persons aggrieved at any judgment of a Justice, passed against him or them, as aforesaid, shall have a right to appeal therefrom to the Court of General Sessions of the Peace, then next to be holden within and for the county of Essex, who shall hear and determine on such complaint, as the case may require, and thereupon render such judgment as the Justice is herein before required to do, in an original complaint to him, with additional costs; and the judgment of the said court thereon, shall be final; *provided nevertheless*, that no such appeal shall be granted, unless the respondent shall claim the same on the day on which the Justice's judgment shall be rendered, and shall enter into recognizance, with two sufficient sureties, to prosecute said appeal with effect. And the said board are hereby empowered to appoint scavengers and such other officers to assist them in the execution of their office, as they may, from time to time, judge necessary; for the payment of whom, and all necessary expenses which may arise in the exercise of their office, the said Board shall draw upon the treasurer of the said town.

Fines.

Appeals.

Scavengers.

SECT. 3. *Be it further enacted*, That any person who shall offer for sale in the town of Lynn, or shall have in his or her possession, any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof, in manner aforesaid, shall forfeit the sum of two dollars for each parcel so offered for sale, or that he or she may have in possession. And it shall be the duty of every licensed packer of provisions and pickled fish to give information to the Board of Health, or some one of them, of any such meat or fish, that shall come to his knowledge, and shall moreover be sworn before the President of the Board of Health, or some one of said Board, to give such information, before he shall execute that trust, after said Board of Health shall have been chosen; and the said President and members, are hereby severally empowered to administer said oath. And if any packer of provisions do repack any meat or fish that is unwholesome, or not fit for use, and be thereof convicted, before any court competent to try the same, he shall forfeit two dollars for each barrel so repacked, and shall forever be disqualified for serving again in that capacity; and no provision shall

Tainted meat
forbidden to be
sold.

Penalties.

be repacked in the said town of Lynn, between the first day of June, and the first day of October, in any year, but only in such place or places therein, wherein permission therefor shall be obtained in writing, from the said board of health; and any person or persons who shall repack any provisions within the times forbidden as aforesaid in the said town of Lynn, in any place or places where permission therefor in writing hath not been first obtained of said Board of Health, shall forfeit the sum of two dollars for each barrel so repacked.

Penalties.

SECT. 4. *Be it further enacted*, That no person or persons, without first obtaining permission therefor from the Board of Health or two members thereof, shall kill any sheep or lambs, or expose to sale within said town, between the first day of July and the twentieth day of September in any year, the meat of any sheep or lambs which have been killed within two days after such sheep or lambs have been driven into the said town; and every person who, without having first obtained such permission, shall, within the times aforesaid, kill any sheep or lambs within said town, within two days after such sheep or lambs have been driven into the same, or do expose or offer for sale within said town the meat of any sheep or lambs which have been so killed, shall forfeit and pay for each offence, twenty dollars; and the meat of every sheep or lamb so killed shall be forfeited: And the said Board of Health, or any two of them, may, and it shall be their duty to seize and remove the same and dispose thereof so as that the health of the inhabitants may not be endangered thereby; and in any action or prosecution against the members of said board of health, or either of them, for seizing any meat of sheep or lambs, by virtue of this Act, the plaintiff or prosecutor shall be held to prove that such sheep or lambs were killed after the expiration of two days from the time the same were driven into said town, or by the permission of the said Board of Health.

Storage of
hides.

SECT. 5. *Be it further enacted*, That no untanned hides shall be stored or kept in the said town of Lynn, between the first day of May and the first day of December, except in such place or places as the board of health shall direct and appoint; and that all such hides found in any other place or places in said town, within the times last mentioned, shall be forfeited, if not removed to such place as the Board of Health shall direct, without the limits of said town, by the owner thereof, within twenty-four hours after notice given him by the said Board of Health, or any two of them; and such hides, so forfeited, may and shall be seized by any two of said Board of Health, and may and shall be libelled and tried in the same way and manner, and by the same process as is provided for the trial of gunpowder, seized according to law. And any person or persons who throw upon the wharves or shores, or into any of the docks in the town, any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit

and pay for each offence, a sum not less than two dollars, nor more than thirteen dollars, at the discretion of the court, which may have cognizance of such offence. That all masters of vessels who throw upon the wharves or shores, or into any of the docks in the said town, without permission from the Board of Health, any filth or the sweepings of the hold of vessels, which may endanger the health of the inhabitants of said town, shall forfeit a sum not less than five dollars, nor more than fifty dollars, for each offence.

Fines.

SECT. 6. *Be it further enacted*, That all penalties and forfeitures arising from this Act, except in those cases, in which it is herein otherwise provided, shall accrue to the use of the town of Lynn, and shall be prosecuted and recovered by action of debt, in the name of the President of the said Board of Health, or by information in any court competent to try the same; and it shall be the duty of the said Board of Health, and of each member thereof, to pursue and enforce the due execution of the foregoing law, and to prosecute all offenders for all penalties and forfeitures which may accrue under the same. [June 16, 1821.]

Appropriation of fines.

Prosecution of offenders.

An ACT in addition to an Act, entitled, "An Act incorporating The Proprietors of the South Meeting House in Danvers, as a Religious Society."

Chap. 24.
1793 ch. 25.
(V. 1. p. 475.)

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That in all the concerns of the society composed of the proprietors of The South Meeting House in Danvers, to constitute a voter, a person shall own at least one half a floor pew, or the whole of a pew in the gallery.

Pew owners.

SECT. 2. *Be it further enacted*, That the standing committee of said society be hereby authorized and empowered to give deeds of conveyance to the present owners of all pews, that have been heretofore sold by order of the society, and that all deeds of conveyance of pews or rights in the house, shall be recorded by the clerk of the society, in a book kept for that purpose.

Sale of pews.

SECT. 3. *Be it further enacted*, That so much of the Act, to which this is in addition, passed on the twenty-eighth day of September, in the year of our Lord one thousand seven hundred and ninety-three, as relates to the payment of interest on taxes assessed by said society, and so much of said Act as is inconsistent with the provisions of this Act, be, and the same are hereby repealed. [June 16, 1821.]

Sections of law repealed.

An ACT to incorporate The First Calvinistic Baptist Society, in Beverly.

Chap. 25.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles Dennis, Eleazer Wallis, Benjamin Peirce, Levi Dodge, William Curtis, Abraham Lord, Jesse Sheldon, Knott Vickery, John P. Webber, Jonathan Dodge, Francis Lamson, jun. George Lamson, John S. Parker, Nicholas Dodge, jun. Israel Dodge, Benjamin Edwards, Nathaniel Bachelder, Henry Bachelder, Ezra Bachelder, William Dodge, jun. Isaac Apple-

Persons incorporated.

ton, John Wilson, Thomas Farris, John Bennett, Robert G. Wood, Samuel Obear, 3d. Stephen Homans, William Obear, William Elliott, John Cox, and Joseph Goldsbury, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of The First Calvinistic Baptist Society in Beverly; with all the powers, privileges, rights and immunities, to which parishes or societies are entitled by the constitution and laws of this Commonwealth.

General powers.

Ministerial taxes.

Meetings.

SECT. 2. *Be it further enacted*, That the said society shall have power to raise such sum or sums of money, for the support of a minister, or ministers, from time to time, and for the repairs of their meeting house, to enlarge or alter the same, as may be deemed expedient, and all other necessary charges relating to said society, by a tax on the polls and estates of all the members thereof; and to ordain and establish all such rules and regulations as shall be determined by a majority of said society, at each annual meetings, duly warned and held according to law.

First Meeting.

SECT. 3. *Be it further enacted*, That any Justice of the Peace for the County of Essex, upon application therefor, is empowered to issue a warrant directed to a member of the said society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual meetings, and to do such other business as may be expressed in said warrant. [June 16, 1821.]

Chap. 26.
1817 ch. 171.

An ACT partially to suspend the operation of an Act to secure the Town of Boston from damage by fire.

Suspension of law.

Proviso.

Limitation of power.

Penalties.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the operation of all laws now in force, which restrain the erecting and placing of wooden buildings in the town of Boston, of more than ten feet in height, from the ground to the highest point in the roof thereof, be, and the same are hereby suspended, so far as they respect any house or other building which may be erected or placed in that part of the town of Boston, called South Boston, and which was heretofore set off from the town of Dorchester, for and during the term of five years from the passing of this act: *Provided however*, that such suspension and exemption shall not be deemed to extend to any house or building of any kind to be erected or placed within that part of the town of Boston aforesaid, called South Boston, which shall be more than thirty feet high from the ground to the highest part thereof, or more than forty feet square, or within fifty feet of any other house, or other building. And the operation of the laws aforesaid, hereby partially suspended, and all penalties, forfeitures and disabilities thereby imposed, and every clause and provision thereof, shall have the like force and effect, in regard to all houses and other buildings

erected or placed in said South Boston, in any manner not conformable to the conditions and provisions of this act, and in regard to all persons who may be amenable therefor, as if this act had not been passed. [June 16, 1821.]

An ACT to empower the Proprietors of Flint's Mills, on Ipswich River, to alter the Passage for the Fish in the Dam of said Mills. Chap. 27.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of Flint's Mills, in Middleton, in the County of Essex, be, and they hereby are authorized and empowered to discontinue the way, now required by law, to be kept open for the passage of the fish through the dam of said mills, any law to the contrary notwithstanding. *Provided, nevertheless,* that the said proprietors shall cause to be constructed on the southerly side of said dam, within six months from and after the passing of this act, a good and sufficient passage for the fish, and shall keep the same in good repair; which passage shall be approved and allowed by the major part of a committee to be composed of the Fish Wardens of the Towns of Danvers and Middleton, in the County of Essex, and the Town of Reading, in the County of Middlesex. [June 16, 1821.]

Passage of fish.

Proviso.

Fish Wardens.

An ACT to incorporate the Proprietors of the Charlestown Bleachery.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Amos Binney, George Bond, and others, their associates, be, and they hereby are constituted a body politic and corporate, with perpetual succession, by the name of the Proprietors of the Charlestown Bleachery, for the purpose of bleaching and finishing linen and other cloths, and preparing materials therefor; and the said corporation, by the name aforesaid, are hereby made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the said concern, consistent with the laws of the Commonwealth; and generally to do and execute whatever by law shall appertain to bodies politic; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Chap. 28.

Persons incorporated.

May sue and be sued.

General powers.

1808 ch. 65.

SECT. 2. *Be it further enacted,* That every person who shall become a member of said corporation, shall be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation.

Individual liability.

SECT. 3. *Be it further enacted,* That the stock and property of the said corporation shall be divided into one hundred and thirty shares, of one hundred dollars each; with liberty to extend the number of shares to five hundred: *Provided,* that any increase which may take place shall be authorized at a legal

Number of shares.

Division of
shares.

meeting of the proprietors held according to the rules established for calling the proprietors together; and the said shares shall be divided among the several proprietors according to the interest and portion which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President and Treasurer of the corporation, and issued to the proprietors accordingly; and the shares in the said corporation shall be transferable by endorsement on the back of said certificate, and the property of such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof in the books of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate, and shall be liable to attachment in the same manner as the shares in the several manufacturing companies in this Commonwealth are liable.

May make as-
sessments.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding or repairing any buildings or other property of the said corporation, or necessary for the erecting any new buildings or tenements on the estate of the corporation, or for the improvement and good management of the corporate property. And in case any proprietor shall neglect or refuse to pay any assessments, the corporation may cause the share or shares of such delinquent proprietor to be sold at public auction, after ten days notice in a public newspaper printed in Boston, to the highest bidder; and after deducting the amount assessed and unpaid, together with charges of sale, the surplus, if any there be, shall be paid over to such proprietor; and the purchaser of such share or shares so sold, shall be entitled to, and receive a certificate of the share or shares purchased by him accordingly.

Delinquent
shares may be
sold.

Limitation of
real estate.

SECT. 5. *Be it further enacted*, That the said corporation may have and hold real and personal estates, not exceeding in cost, the sum of fifty thousand dollars, with power to sell and dispose of the same, or any part thereof; and in all meetings of the members of said corporation, for the transaction of business, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he may hold in the following proportion; that is to say, for one share one vote, and every two shares above one, shall give a right to one vote more; *provided*, that no one member shall be entitled to more than ten votes: *And provided further*, that no assessment shall be made at any meeting, unless the same be agreed to, by two thirds at least in value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days before such meeting, by publication thereof in one or more newspapers printed in Boston; and votes may be given in writing at any meeting, by any proprietor by his proxy.

Qualification
of voters.

Mode of calling
meetings.

SECT. 6. *Be it further enacted*, That either of the proprietors may call a meeting of the said corporation, by advertising the same in any of the newspapers printed in Boston. ten

days at least before the time of meeting; and that the said corporation may, at that or any other meeting, agree on the mode of calling future meetings; and shall elect a President, and Treasurer, and may elect all such other officers as the corporation may think fit, for conducting and managing the corporate affairs and estates, and the same may remove and change as the said corporation may see cause. [June 16, 1821.]

Choice of officers.

An ACT to incorporate the Proprietors of the Boston Theatre.

Chap. 30.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Danforth, Thomas Dennie, George Blake, Jonathan Amory, Abraham Touro, Thomas A. Dexter, and their associates, successors and assigns, be and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the Boston Theatre; and the said corporation, by the said name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of their property, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, shall appertain to bodies politic.

Persons incorporated.

May sue and be sued.

General powers.

SECT. 2. *Be it further enacted,* That every person who shall become a member of said corporation, shall be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation.

Individual liability.

SECT. 3. *Be it further enacted,* That the said corporation be, and hereby is declared capable to have, hold and possess, all the real estate now owned by the proprietors, in common, with the appurtenances thereof; and the said corporation shall have power to sell, grant and alien in fee simple, or otherwise, their corporate property, or any part thereof, and to lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting.

May hold real estate.

SECT. 4. *Be it further enacted,* That the said corporate property shall be divided into shares, not exceeding one hundred in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors according to the interest and portions, which they may respectively have in said corporate property; certificates of which shares shall issue to the proprietors, under the seal of said corporation and be signed by the President and Treasurer thereof; and the shares in said corporation shall be transferable by endorsement on the back of said certificate; and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the corporation, and new certificates shall be issued ac-

Limited number of shares.

Shares transferable.

Shares consid-
ered personal
estate.

(1804 ch. 33.)

cordingly ; and such shares shall in all respects be considered as personal estate, and subject to be attached on mesne process, and sold on execution, in the same manner as shares of incorporated companies now are subject, by an act, entitled "An Act directing the mode of attaching on mesne process, and selling by execution, the shares of debtors in incorporated companies."

May levy as-
sessments.

SECT. 5. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding, altering or repairing any buildings now belonging to the corporation, or necessary for the erection of any new buildings on the whole or any part of their premises, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such delinquent proprietors as may be sufficient therefor, to be sold by public auction, after ten days notice, to the highest bidder ; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor ; and the purchaser of such share or shares so sold, shall be entitled to, and receive a certificate of the share or shares by him purchased accordingly.

Delinquent
shares may be
sold.

Limitation of
property.

SECT. 6. *Be it further enacted*, That the corporate property which the said corporation shall have and hold, at any one time, in virtue of this act, shall not exceed in value one hundred and fifty thousand dollars : and in all meetings of the members of said corporation for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation ; *provided always*, that no one member shall ever be entitled to more votes than shall be equal to one fourth part in value of the corporation property ; *and provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to, by two thirds at least, in number and interest of those present, or represented at such meeting, nor unless public notice shall have been given at least ten days previous to such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting by their proxy, duly authorized in writing.

Proviso.

First meeting.

SECT. 7. *Be it further enacted*, That any three of them, the said Danforth, Dennie, Blake, Amory, Touro, or Dexter, may call a meeting of said corporation by advertising the same in any of the newspapers printed in Boston, ten days at least, before the time of meeting ; and that the corporation may, at such, or any other meeting, agree on the mode of calling future meetings ; and shall elect a president, treasurer and clerk, and may elect all such other officers as said corporation may think fit, for conducting and managing the corporate affairs and estate ; and the same may change and remove, as the said corporation may see fit.

SECT. 8. *Be it further enacted*, That immediately after the first meeting of said corporation, all the real estate now owned in common by the proprietors of the Boston theatre shall be transferred by good and sufficient deeds of conveyance to the corporation aforesaid. [June 16, 1821.]

Corporate shares.

An ACT regulating the building with Wood within the Town of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, it shall be lawful to build houses, or other buildings of wood within the town of Boston, the posts whereof, measuring from the bottom of the lower sill to the top of the plate, shall not exceed ten feet, and the pitch of the roof thereof, not to exceed one third pitch; *provided*, that such roof be of a regular slope from the plate to the top thereof, and that no window or windows shall be erected or made on the sloping part of the roof of such house or building: *And provided also*, that in no case shall any such house or building exceed sixteen feet in measure from the ground to the highest point in the roof.

Chap. 31.
1817 ch. 171.
1821 ch. 26.

Dimensions of wooden buildings.

Proviso.

SECT. 2. *Be it further enacted*, That so much of the laws heretofore passed, as are inconsistent with the provisions of this Act, be, and the same are hereby repealed. [June 16, 1821.] Altered by 1822 ch. 16.

Part of former law repealed.

An ACT in addition to "An Act incorporating the Massachusetts Mutual Fire Insurance Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Mutual Fire Insurance Company may have, purchase, and hold real estate, *provided*, the amount thereof shall not exceed the sum of fifty thousand dollars. [Jan. 28, 1822.]

Chap. 33.
1797 ch. 67.
(V. 2. p. 211.)

May hold real estate to a certain amount.

An ACT to establish the Town of Prescott.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the east parish of Pelham, in the county of Hampshire, and the south part of New Salem, in the county of Franklin, by the following boundaries, viz.: beginning on the west line of New Salem, at the southwest corner of lot number twenty-three, in the third division, now owned by Samuel Wood; from thence, running east by the south line of that lot, and the south line of Ebenezer and David C. Vaughn's farm, to the southwest corner of David and Luther Hunt's farm; thence easterly, on the line between said farm and Samuel H. Hunt's land, and on the south line of William Walker's land, and the south line of the farm now occupied by Winslow Packard, to the west line of Nathaniel Bangs' farm; thence southwardly and eastwardly by his line, to Amos Martin's west line; thence south and east, by the west and south line of his farm, to the west line of the farm lately owned by Ebenezer Lincoln, now owned by Nymphas

Chap. 34.

Boundaries.

Stacey; thence southwardly, by the west line thereof, to the southwest corner; thence eastwardly on the south line, until it comes to the highway, that runs eastwardly on the south side of said farm; thence along the middle of said highway, eastwardly and southwardly, to the southwest corner of land owned by Varney Pearce; thence east, on the south line, to the southeast corner; thence north, to the southwest corner of the lot on which Samuel Linzie now lives; thence east, on the south line of that lot, and on the south line of the lot on which Rufus Stacey lives, to the east line of New Salem; then south and west, following the line of New Salem, to the northeast corner of Pelham; thence south and west, on the east and south lines of Pelham, until it comes to the stream called the west branch of Swift river, being the line between the two parishes in Pelham; thence northwardly along the middle of said stream, to the first mentioned boundary on the west line of New Salem. be, and hereby is incorporated into a town, by the name of Prescott; and the inhabitants thereof are hereby vested with all the powers and privileges of towns within this Commonwealth; and the said town of Prescott is hereby annexed to the county of Hampshire.

Adjustment of
taxes.

SECT. 2. *Be it further enacted*, That the inhabitants of the town of Prescott, shall be liable to pay all taxes that have been legally assessed on them, by the respective towns of Pelham and New Salem, and also their proportion of the county taxes for the present year, although not yet assessed, in the same manner as they would have been, if this Act had not been passed.

Proportion of
poor tax.

SECT. 3. *Be it further enacted*, That the said town of Prescott shall be holden to pay the expense of supporting all the poor now chargeable to the town of New Salem, in such proportion as the valuation of that part of New Salem, now included in the town of Prescott, bears to the whole valuation made by the assessors, for the year one thousand eight hundred and twenty-one; and they shall also be holden to pay for the support of all the poor now chargeable to the town of Pelham, in such proportion as the valuation of the east parish bears to the whole valuation for the year one thousand eight hundred and twenty-one, of the town of Pelham: And further, the said town of Prescott shall be liable and holden to support all persons who may, hereafter become chargeable as paupers, who have gained or acquired a settlement in either of said towns, and whose residence at the time when such settlement may have been acquired, was within the limits of the territory incorporated into a town, by this Act.

First meeting.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Hampshire, is hereby authorized, on application therefor, to grant a warrant for calling the first meeting of the town of Prescott. [Jan. 28, 1822.]

An ACT in further addition to an Act, entitled "An Act to incorporate Nicholas Thorndike, and others, into a Company, by the name of the Beverly Marine Insurance Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That such further time, not exceeding five years from and after the twenty-fourth day of August next, be allowed to the stockholders in the Beverly Marine Insurance Company, named in an Act, entitled "An Act to incorporate Nicholas Thorndike and others, into a company, by the name of the Beverly Marine Insurance Company," to pay in the residue, being the last moiety of the instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company, as the directors thereof may judge proper; and that the said residue shall be paid in at such times and in such proportions as the said directors shall order and appoint, within the period aforesaid: *Provided however*, that nothing in this Act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said original Act, in addition to which this Act is made. [Jan. 23, 1822.]

Chap. 36.

1809 ch. 35.

1810 ch. 3.

1811 ch. 3.

1813 ch. 1.

1816 ch. 54.

Further time allowed.

Proviso.

An ACT to incorporate the Veterinary Institution of Massachusetts.

Chap. 37.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John B. Brown, William Sullivan, Henry A. S. Dearborn, George Sullivan, John C. Warren, and Samuel Jaques, and their associates, be, and they are hereby incorporated, by the name of the Veterinary Institution of Massachusetts, for the purpose of diffusing a knowledge of Veterinary medicine and surgery, by means of lectures and practice, or otherwise; and to this end to purchase and hold real and personal estate; *provided*, the real estate of said corporation shall not exceed the value of thirty thousand dollars, and the income from their personal estate, shall not exceed three thousand dollars per annum.

Persons incorporated.

May hold real and personal estate.

SECT. 2. Be it further enacted, That the said John B. Brown be, and he is hereby authorized to call the first meeting of said corporation, by giving public notice in any newspaper printed in Boston, of the place and time of meeting, at least four days previous to such meeting; and that the above named persons, or such of them as shall be present at said meeting, shall organize said corporation, by electing a presiding officer, to be called President, and a Board of Trustees consisting of five persons, also a treasurer and a clerk; and at the said meeting, by-laws shall be established, providing for the admission of associates, and the mode of calling future meetings of said corporation: and that at any future meeting, such by-laws, rules, and regulations may be adopted for the furtherance of the objects of the institution, as a majority of the members of said corporation may deem expedient; *provided*, the same be consistent with the laws of this Commonwealth. [Jan. 28, 1822.]

First meeting.

Officers to be chosen.

By-laws.

Chap. 39.

An ACT to incorporate the First Baptist Society, in Southbridge.

Persons incor-
porated.

General pow-
ers.

May sell pews.

First meeting.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.* That Luther Ammidon, Barzillai Baylies, Elisha Coles, Jacob Edwards, Samuel Fish, 2d, William Haskell, Nicholas Jenks, Alpha Morse, Moses Putney, Ichabod Robbins, Abisha Sabin, Luther Travis, Joshua Vinton, and Caledonia West, together with their associates and successors, with their families, polls and estates, be, and they are hereby incorporated, by the name of the First Baptist Society, in Southbridge, with all the powers and privileges, to which parishes and other religious societies are entitled by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That the said society be, and is hereby empowered to sell or lease the pews in the meeting house belonging to the said society, and give deeds to convey the same. And all deeds and conveyances of, and all executions extended on the pews in the said meeting house, shall be recorded by the clerk of said society; and being so recorded, shall be considered valid in law.

SECT. 3. *Be it further enacted,* That any three of the persons named in this Act, or either of them, may call the first meeting of said society, by posting up a notification at said meeting house, giving at least seven days notice of the time, place, and purpose of such meeting; and being so met, the society may agree on the mode of calling and notifying future meetings. [Jan. 29, 1822.]

Chap. 40.

An ACT incorporating the Andover Mechanic Association.

Persons incor-
porated.

General pow-
ers, and regu-
lations.

May hold real
estate.

First meeting.

Reservation of
legislative
power.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.* That Enoch Frye and Abraham J. Gould, and their associates and successors be, and they hereby are incorporated, by the name of the Andover Mechanic Association, with power to have and use a common seal, to make by-laws for the management of said corporation and its funds, and for the purpose of promoting inventions and improvements in the mechanic arts, by granting premiums, to assist mechanics with loans of money, and to relieve the distresses of unfortunate mechanics and their families, and to have all the privileges usually given by acts of incorporation to charitable societies.

SECT. 2. *Be it further enacted,* That the said corporation may take and hold real estate, not exceeding in value two thousand dollars, and personal estate not exceeding ten thousand dollars.

SECT. 3. *Be it further enacted,* That Enoch Frye, and Abraham J. Gould, are hereby authorized to call the first meeting of said corporation, at such time and place as they shall appoint, by giving personal notice to each of their associates; at which meeting, by-laws may be made, and the mode of calling future meetings regulated.

SECT. 4. *Be it further enacted,* That this Act may be amended, revised, and repealed, at the pleasure of the Legislature. [Jan 29, 1822.]

An Act to annex Zebina Kingsbury and his estate, to the East Parish in Medway. *Chap. 42.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zebina Kingsbury, of Medway, in the county of Norfolk, with his family and estate, be, and they are hereby set off from the West Parish, and annexed to the East Parish in Medway aforesaid; provided, that the said Kingsbury shall be holden to pay all taxes assessed upon him, by the said west parish, due and unpaid, before the passing of this Act. [Jan. 29, 1822.] *Condition of change.*

An Act to incorporate the Franklin Bank.

Chap. 43.

*SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Leavett, Lyman Kendall, Eliel Gilbert, Sylvester Allen, Rufus Stratton, Jonathan Nevers, Franklin Ripley, Thomas W. Ripley, and Job Goodale, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the Franklin Bank; and shall so continue, from the passing of this Act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an Act, entitled "An Act to incorporate the president, directors and company of the State Bank," except in so far as the same are modified or altered by this Act, as fully and effectually, as if the several sections of said Act, were herein specially recited and enacted: *Provided however,* the amount of bills issued from said bank, at any time, shall not exceed fifty per centum of the amount of their capital stock actually paid in.* *Persons incorporated.* *Limitation of charter.* *Legislative restrictions. 1811 ch. 34.* *Proviso.*

SECT. 2. Be it further enacted, That the capital stock of said corporation, shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, beside such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in two equal instalments; the first, on or before the first Monday of September next, and the second on the first Monday of September thereafter, or at such earlier time as the stockholders, at any meeting, may order. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and that no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this Act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which, being entered in the books of said corporation, shall be binding on the stockholders, their successors, and assigns, until they shall otherwise *Capital stock.* *Division of shares.* *Payment of shares.* *Dividends.* *Transfer of stock.*

determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors, and assigns, lands, rents, tenements, and hereditaments, to the amount of ten thousand dollars, and no more, at one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think adviseable: *Provided, however*, that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts, due to the said corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed, and actually paid in, and existing in gold and silver, in their vaults, shall amount to fifty thousand dollars.

Location. *SECT. 3. Be it further enacted*, That the said bank shall be established and kept in the town of Greenfield; that the number of directors shall be five, and three shall constitute a quorum for transacting business.

Loans to the State. *SECT. 4. Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum: *Provided however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

First meeting. *SECT. 5. Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at Greenfield, by advertising the same for one week, in the Franklin Herald, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers, as they shall see fit to choose.

State may subscribe to stock. *SECT. 6. Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth; a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation; subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established.

SECT. 7. Be it further enacted, That whenever the Commonwealth shall subscribe to the capital stock of said corpo-

ration, in manner herein before provided for, in addition to the directors, by law, to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter, they shall see fit to exercise that right.

State may appoint a proportion of the Directors.

SECT. 8. *Be it further enacted*, That the Cashier, before he enters on the duties of his office, shall give bond, with two sureties to the satisfaction of the Board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office,

Cashier to give bonds.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

State Bank Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay any *bona fide* holder, the original amount of any note of said bank, counterfeited, or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration. And that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

To pay original amount of altered bills.

Shall not trade in exchange.

[Jan. 29, 1822.]

An ACT to incorporate the President, Directors and Company of the Middlesex Bank.

Chap. 44.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court, assembled, and by the authority of the same*, That Abiel Heywood, Isaac Hurd, Nathan Barrett, Francis Jarvis, Josiah Davis, Joseph Barrett, John Adams, John Keyes, Nathan Brooks, Daniel Shattuck, Samuel Burr, John Abbot, Moses Prichard, Reuben Brown, Junior, Joel Adams, and Isaac Fiske, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Middlesex Bank; and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one: And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "An Act to incorporate the President, Directors and Company of the State Bank;" excepting so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act, were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said bank, at any time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Persons incorporated.

Restrictions and limitations.

General powers.

1811 ch. 84.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in four equal instalments; the first, on or before the first day of August next; the second, on or before, the first day of October next; the third, on or before the first day of June, eighteen hundred and twenty-three; the fourth, on or before the first day of August, eighteen hundred and twenty three, or at such earlier time, as the stockholders, at any meeting thereof, may order. And no such stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act.

Capital Stock. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made

Times of paying in stock. capable, in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, rents, tenements and hereditaments. to the amount of ten thousand dollars, and no more, at one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however*, that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation; and, *provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in their vaults, shall amount to fifty thousand dollars.

Stocks may be transferred. May hold real estate. Provisos.

SECT. 3. *Be it further enacted*, That the said bank shall be established, kept, and transact their business at Concord; and four of the Directors thereof, at least, shall be inhabitants of Concord.

Location of the Bank.

SECT. 4. *Be it further enacted*, That the Board of Directors shall consist of seven persons.

SECT. 5. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth. with

State loans.

the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital stock actually paid in.

SECT. 6. *Be it further enacted*, That any three of the persons before named, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at Concord, by advertising the same for two weeks, at two public places in said town, and in any newspaper printed in the town of Boston, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, as the said stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

First Meeting.

SECT. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established.

State may subscribe to stock.

SECT. 8. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by this act to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

State Directors.

SECT. 9. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Board of Directors, in a sum of not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier to give bonds.

SECT. 10. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

State Bank Tax.

SECT. 11. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. [Jan. 29, 1822.]

Original amount of altered bills to be paid.

Shall not trade in exchange.

Chap. 45.

An ACT to establish the Barre Turnpike Corporation.

Persons incor-
porated.

Direction of
the road.

General pow-
ers.
1804 ch. 125.
Legislative re-
strictions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Seth Lee, Ephraim Wilson, Anson Bates, Nathaniel Houghton, Samuel Lee, and Peter Harwood, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Barre Turnpike Corporation, for the purpose of making a turnpike road from the Common, near the meeting house in Barre; thence easterly, in the best course to Hubbardston line: thence through the southerly part of Hubbardston, in the best direction to Princeton line; thence, in the best course, through part of Princeton, and through the land of David Rice; and thence through land of Jason Woodward, to a road crossing a town road, and to a road leading to Edward Goodenow's; and shall have the right to erect one gate, and receive such rates of toll as are, or may be provided by law, for one whole toll turnpike gate; and shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, entitled "An Act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto. [Feb. 5, 1822.]

Chap. 46.

An ACT to incorporate the Merrimack Manufacturing Company.

Persons incor-
porated.

General pow-
ers.

1808 ch. 65.

Limitation of
Capital.

Personal lia-
bility.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Kirk Boott, William Appleton, John W. Boott, and Ebenezer Appleton, their associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Merrimack Manufacturing Company, for the purpose of manufacturing and printing cotton goods, at Chelmsford, in the County of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

SECT. 2. *Be it further enacted,* That the capital stock of said corporation, shall not exceed the sum of six hundred thousand dollars; and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purpose aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings, and improvements that may be made thereon, by the said corporation.

SECT. 3. *Be it further enacted,* That every person who shall become a member of said corporation, shall be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation. [Feb. 6, 1822.]

Chap. 47.

An ACT to incorporate the Edgerton Wharf Company, in the town of Edgerton, in the County of Dukes' County.

SECT. 1. *BE it enacted by the Senate and House of Representa-*

tives, in General Court assembled, and by the authority of the same, That Thomas Jernegan, Junior, and Jeremiah Pease, of Edgarton, and such other persons as already have, or may hereafter, associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Edgarton Wharf Company, for the purpose of erecting a wharf, upon land now owned by Thomas Jernegan, Junior, and Jeremiah Pease; said wharf to extend from the upland towards the channel, where there shall be a depth of water equal to that at the wharves now erected in said Edgarton. And the said Thomas Jernegan, Junior, and Jeremiah Pease, or their successors and assigns, may make such improvement upon the said land and wharf, and so maintain the same, as shall be deemed expedient to promote the interest of said corporation, consistently with the public convenience; *provided*, said improvement be not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

Boundaries.

Improvements may be made.

Proviso.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding thirty thousand dollars in value, as may be necessary and convenient for conducting the business of the company; and shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in the act, passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and of the several acts in addition thereto. [*Feb. 6, 1822.*]

May hold real estate.

General powers.

1803 ch. 65.

An ACT to incorporate the Proprietors of Nahant Hotel, in the town of Lynn.

Chap. 48.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas H. Perkins and William Payne, and their associates, successors, and assigns be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Nahant Hotel: And the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth; and generally, to do and execute whatever, by law, shall appertain to bodies politic.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold, and possess certain real estate, situate at Nahant, in the town of Lynn, consisting of about twenty acres of land, now owned by said Thomas H. Perkins and others, together with all the rights, privileges, and appurtenances thereof; *provided*, the lawful proprietors thereof shall legally convey the same to said corporation: And the said corporation shall have power to sell, grant and alien, in fee simple or otherwise, their corporate property, or any part thereof, within the said described limits, and lease,

May hold real estate.

Proviso.

Provisos.

Legislative reservation.

Corporate shares.

Shares transferable.

Assessments.

Shares of delinquents may be sold.

Corporate property.

Proviso.

manage, and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained shall be construed into any grant or confirmation of title to land, in the said associates or corporation, or into any authority to extend the dimensions of said land, beyond the title and authority which the present proprietors thereof now have and possess in this behalf: *Provided*, that this act of incorporation shall be liable to be repealed, whenever the Legislature shall deem it expedient, that the corporation hereby created, should be abolished.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding three hundred in number, as the said corporation find to be most expedient; and said shares shall be divided among the several proprietors, according to the interest and portions which they may, respectively, have in said corporate property; and certificates, of such shares shall be signed by the president of the corporation, and issued to the proprietors accordingly: And the shares in said corporation shall be transferable by endorsement on the back of said certificate, and the property in said shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall, in all respects, be considered as personal estate.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary, for rebuilding or repairing any buildings whatever, or other property of said corporation, or for the improvement or good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to, and receive a certificate of the share or shares, by him purchased, accordingly.

SECT. 5. *Be it further enacted*, That the corporate property which the said corporation shall have and hold, at one time, in virtue of this act, shall not exceed in value the sum of forty thousand dollars; and in all meetings of the members of said corporation, for the transaction of business, each member or proprietor, shall be entitled to one vote for every share by him held in said corporation; *provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate property: *And provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds, at least, in number and value of those present or represented at such meeting; nor unless public notice shall have been given, at

least, ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting, by proxy, in writing.

SECT. 6. *Be it further enacted*, That whenever any action shall be commenced against this corporation, or whenever any execution may issue against said corporation, on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the President, treasurer, or clerk of said corporation, by the officer to whom the writ or execution, against said corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate to satisfy any judgment that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such executions, then and upon such neglect and default, the officer, to whom such writ or execution may have been committed for service, shall serve and levy the same writ or execution upon the body or bodies, and real and personal estate or estates, of any member or members of said corporation.

Personal liability.

SECT. 7. *Be it further enacted*, That the share or shares of each and every member of said corporation, shall be liable to attachment on mesne process, at the suit of any creditor, and may be taken on execution, and sold according to law, to satisfy any judgment which may be recovered against the members of said corporation respectively, in their respective private capacities, in like manner as shares in other corporations within this Commonwealth, are liable to attachment and seizure on execution; and the proceeds of sale shall be applied, as in such cases is provided by law, concerning shares of proprietors, in other corporations.

Shares liable to attachment.

SECT. 8. *Be it further enacted*, That either of them, the said Perkins or Payne, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days, at least, before the time of meeting; and that the said corporation may, at such or any other meeting, agree on the mode of calling other meetings, and shall elect a president and clerk, and may elect all such other officers, as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as said corporation shall see fit. [Feb. 6, 1822. Add. act.—1822 ch. 30.]

First meeting.

Officers of the corporation.

An ACT in addition to an Act, entitled, "An Act for the better security of the Town of Charlestown against Fire." Chap. 49.

1809 ch. 44.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all public buildings to be erected or built after the passing of this act, on the peninsula of the town of Charlestown, divided from the main land, by a line, beginning at the Mill Pond, where the Middlesex Canal empties into it, thence by the easterly margin of said canal, to the southerly corner of the bridge over the same, at the county road; thence by a line drawn

Roofs to be slated.	<p>from the southerly corner of said bridge, north-north east, to Mistic river, shall have their roofs slated, and the external sides and ends made of brick or stone, except so much as may be necessary for doors and windows. And all buildings more than sixteen feet high, from the under part of the sill to the highest part of the roof, and not of brick or stone, to be erected on said peninsula, shall be built as follows, viz.: If the end of such building stand to the street, the back, except convenient windows and doors, shall be built of brick or stone, with a battlement at least one and an half feet above the highest part of the roof; if the front stand to the street, the ends, except convenient windows and doors, shall be built of brick or stone, and shall rise in battlements at least three feet above the roof: And all buildings shall be considered as standing on the street, within the intent of this act, which shall be built within fifty feet thereof. And if the building do not stand on any street, then the manner of building the brick or stone part of such building, shall be, in every case, determined by the Selectmen of said town, to whom the person or persons intending to build, shall apply for that purpose. And all such sides and ends of buildings, whether of brick or stone, shall be at least twelve inches thick, in the lower story, and eight inches thick, above the lower story. And all double houses, viz.: Where two houses join together, of whatever height or dimensions, shall have a partition wall of brick or stone, at least twelve inches thick, rising in battlements, not less than three feet above the roof. And every house shall be provided with a safe railing on its roof, and with a scuttle through the roof, having a conveyance to and through it. And the making of additions to buildings, and the removing of buildings, shall be considered to be the erecting of new buildings, within the intent of this act.</p>
Description of Buildings.	<p>SECT. 2. <i>Be it further enacted</i>, That all buildings not of brick or stone, to be erected on the peninsula aforesaid, not exceeding sixteen feet, from the under part of the sill to the highest part of the roof, shall be built in the following manner, viz.: The posts of such building or buildings shall not exceed ten feet in height, measuring from the bottom of the sill to the top of the plate, and the pitch of the roof or roofs thereof, shall not exceed one third pitch; such roof or roofs to be of a regular slope, from the plate to the top thereof, and no windows shall be made in such roofs. And no such wooden building shall cover more than eight hundred square feet of ground; and the distance from the natural surface of the ground, to the bottom of the sill, shall not exceed one foot: <i>Provided nevertheless</i>, that when any such wooden building shall be erected on the side of a hill, it shall be lawful to erect a basement story of brick or stone, except convenient doors and windows; such basement story not to exceed nine feet in height, from the natural surface of the ground on the lower side, and not exceeding one foot above the natural surface of the ground on the upper side: <i>Provided also</i>, that upon any wharf, marsh, or other place, where foundations of brick or stone would be very expensive, such wooden buildings may be erected, as the Select-</p>
Partition Walls.	
Restrictions in building.	
Proviso.	

men in each particular case, shall in writing, permit. But the external sides and ends of such buildings, shall be covered with some incombustible composition, if such buildings be more than sixteen feet in height.

SECT. 3. *Be it further enacted*, That the external sides and ends of all stables to be erected on said peninsula, for public accommodation, shall be built of brick or stone, except convenient doors and windows; and no wooden building already erected, and not now used for that purpose, shall ever hereafter, be so occupied. Stables.

SECT. 4. *Be it further enacted*, That the first section of an Act, entitled "An Act for the better security of the town of Charlestown against fire," to which this is in addition, is hereby repealed: *Provided*, that all offences, except those of removing or adding to buildings, committed contrary to the provisions of said first section, before the repeal thereof, shall and may be prosecuted, and be liable in the same manner, as if said first section had not been repealed. And all violations of this act shall be prosecuted in like manner and subject to the same penalties, as are provided in the second and third sections of the act, to which this is in addition. And it shall be the duty of the clerk of the market, or acting Police Officer of said town, or such other person as the selectmen may appoint, to inquire after and give information to the Attorney or Solicitor General, of all offences which may be committed contrary to the intent of this act. [*Feb. 5, 1822.*] 1809 ch. 44.
Provisionary
repeal of former act.

An ACT to incorporate the Old Colony Manufacturing Company.

Chap. 50.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Hobart, Daniel Mitchell, Theodore Mitchell, Caleb F. Leonard, and John Goulding, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Old Colony Manufacturing Company, for the purpose of manufacturing iron, and cotton and woollen goods, in the town of Halifax, in the County of Plymouth; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto. Persons incorporated.

General powers.
1808 ch. 65.

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding in value one hundred thousand dollars, and such personal estate, not exceeding in value two hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid. May hold real Estate.

SECT. 3. *Be it further enacted*, That the persons herein before named, or any three of them, are hereby authorized and empowered to call the first meeting of the members of First meeting.

By-Laws.

said corporation, at such time and place, as they may see fit to appoint, by advertising the same in the newspaper printed in the town of Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the said members shall deem necessary, and for the choice of all such officers, as they may see fit to choose. [Feb. 6, 1822.]

Chap. 53.

An ACT to incorporate the Middlesex Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Hurd, Seth Knowles, Joseph Hurd, John Skinner, and William Hurd, their associates, successors and assigns be, and they are hereby incorporated, by the name of the Middlesex Manufacturing Company, for the purpose of making woollen and cotton cloth, at Chelmsford, in the County of Middlesex; and for the purpose aforesaid, they shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

1808 ch. 65.

General powers.

Capital Stock.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation, shall not exceed three hundred thousand dollars; but they may lawfully be seized of real estate, not exceeding in value, thirty thousand dollars, exclusive of buildings and improvements for the necessary and convenient purposes of said manufactory. [Feb. 6, 1822.]

Chap. 56.

An ACT to incorporate the Goodell Manufacturing Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Goodell, Asa Goodell, Asa Goodell, junior, Orra Goodell, and Jonas B. Brown, together with such others as now have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Goodell Manufacturing Company, for the purpose of manufacturing woollen and cotton yarn and cloth, in the town of Millbury, in the County of Worcester; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

General powers.

1808 ch. 65.

May hold real and personal estate.

Limitation of the Capital Stock.

SECT. 2. *Be it further enacted,* That the said Goodell Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufactures; *provided,* that the value of such real estate shall not exceed the sum of fifty thousand dollars, and the value of such personal estate shall not exceed the sum of one hundred and fifty thousand dollars. [Feb. 7, 1822.]

An ACT to incorporate the Proprietors of the Riding School, in Boston.

Chap. 57.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Sullivan, Moses Wheeler, Henry Gassett, Patrick T. Jackson, Thomas Williams, John C. Warren, James Jackson, Theodore Lyman, junior, with their associates, successors and assigns, shall be, and they hereby are made a corporation, by the name of the Proprietors of the Riding School; and by that name, are hereby made capable in law, to sue and be sued, to plead and be impleaded, defend and be defended, in any Court of Record, or any other place whatsoever; and, also, to make and use a common seal, and the same to alter and renew at pleasure; and, also, to appoint a treasurer and clerk, with such other officers as they may think expedient; and, also, to establish and put into execution, such by-laws and regulations as to them shall appear necessary and convenient, for the government of said corporation, and the prudent management of their affairs; *provided*, the same be not repugnant to the laws of this Commonwealth.

Persons incorporated.

General powers.

By-Laws.

SECT. 2. *Be it further enacted*, That said corporation are hereby made capable, in law, to hold and possess, for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and personal estate to the amount of five thousand dollars; and shall have all the powers and privileges, and be subject to all the duties, and requirements and penalties, contained in the act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto. The present act shall be liable to a repeal, whenever the legislature may deem it expedient that the corporation should be abolished. [Feb. 7, 1822.]

May hold real estate.

1808 ch. 65.

Legislative restrictions.

An ACT to establish the Merrimack Academy.

Chap. 58.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the East Parish of Bradford, in the County of Essex, an academy, by the name of Merrimack Academy, for the purpose of promoting piety, religion and morality, and for the education of youth of both sexes, in such languages and in such of the liberal arts and sciences, as the trustees hereinafter named, shall direct.

Name and Title.

SECT. 2. *Be it further enacted*, That the Reverend Gardner B. Perry, Benjamin Parker, M. D., Moses Parker, Esquire, William Greenough, Jeremiah Spoffard, M. M. S., Ebenezer Rollins, Esquire, Captain George Savory, Captain Samuel Tenny and Phineas Parker, Esquire, be, and they are hereby nominated and appointed trustees of the said Academy; and they are hereby incorporated into a body politic, by the name of the Trustees of Merrimack Academy, in the county of Essex; and they and their successors shall be, and continue a body politic and corporate, by the same name, for-

Trustees.

General powers.

May sue and be sued.

ever. And the said trustees shall have and keep a common seal, which they may break, alter, or renew, whenever they may find it necessary or convenient; and that all deeds signed, and sealed with such seal, and delivered and acknowledged by the secretary of the said corporation, by order of the trustees, shall be good and valid in law; and that the said trustees may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same, to final judgment and execution, by the name of the Trustees of Merrimack Academy. And the number of trustees shall never exceed twelve, nor be less than nine, and five shall constitute a quorum for doing business.

May hold real and personal estate.
Proviso.

SECT. 3. *Be it further enacted*, That the trustees aforesaid, and their successors, be, and they hereby are rendered capable in law, to take and hold by gift, grant or devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which heretofore may have been given or subscribed, or which may hereafter be given or subscribed, for the purpose aforesaid; *provided*, the annual income thereof shall not exceed the sum of six thousand dollars; and they may sell and dispose of the same, and apply the rents, issues and profits thereof in such manner as the end and design of the said institution, in their discretion, may require.

Election of officers.

Removal of officers.

SECT. 4. *Be it further enacted*, That the said trustees shall have power, from time to time, to elect such officers of the said academy as they shall judge necessary, and to fix the tenure of their respective offices, to remove any trustee from the corporation, when, in their opinion, he shall be incapable, by reason of age or other incapacity, of discharging the duties of his office; to fill all vacancies in the said corporation; to determine the time and place of the meetings of said corporation, the manner of notifying and the method of electing and removing trustees; to elect and prescribe the powers and duties of the officers of the said corporation; and also to prescribe the powers and duties of the preceptors, preceptresses, teachers, and all other officers of the academy; and to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of the said academy.

Rules and Orders.

First meeting.

SECT. 5. *Be it further enacted*, That the Reverend Gardner B. Perry be, and he is hereby authorized to fix the time and place for holding the first meeting of the said trustees, and to notify them thereof.

Legislative restrictions.

SECT. 6. *Be it further enacted*, That the aforesaid corporation shall always be subject to the legislature of this Commonwealth, to inquire into, and control its proceedings. [Feb. 7, 1822.]

Chap. 59.

An ACT to incorporate the Methuen Company.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Hall J. How, James Means, and David Henshaw, together with such others as may hereafter associate with them,

and their successors, be, and they are hereby made a corporation, by the name of the Methuen Company, for the purpose of erecting, maintaining, and carrying on mills and manufactories, and the purposes of manufacturing cotton, wool and flax, in the town of Methuen, in the County of Essex; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

General powers.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of three hundred thousand dollars, as may be necessary and convenient for carrying into effect the object, purpose, and business of said corporation, in said town of Methuen.

May hold real estate.

SECT. 3. *Be it further enacted*, That either of the persons named in this act of incorporation, may call the first meeting of the corporation, by giving notice of the time and place of meeting, in some public newspaper, printed in the town of Boston, at least fourteen days before the time of meeting. [Feb. 7, 1822.]

First meeting.

An Act to incorporate The Mount Hope Manufacturing Company.

Chap. 60.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James D'Wolf, Freeborn Sisson, James Maxwell, John T. Child, Oliver Chace, Nathaniel Wheeler and Levi D'Wolf, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Mount Hope Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, on Three Mile River, partly in the town of Taunton and partly in the town of Wellington, in the county of Bristol; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," and the several Acts in addition thereto.

General powers.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars in value, and of such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 8, 1822.]

May hold personal estate.

An Act to establish The Pocasset Manufacturing Company.

Chap. 61.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Persons incor-
porated.

same, 'That Oliver Chase, Abraham Bowen, Edward Bennet, and Nathaniel B. Borden, and their associates, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Pocasset Manufacturing Company, for the purpose of manufacturing iron, cotton, and woollen cloth, in the town of Troy, in the county of Bristol; and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties and requirements, prescribed in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," and of the several Acts in addition thereto.

1808 ch. 65.

May hold real
and personal
estate, to a
certain limit.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such personal estate, not exceeding two hundred thousand dollars, and of such real estate, not exceeding two hundred thousand dollars, including the estates, stores, houses, buildings, and land, which they now own, or that may be legally conveyed to them, as may be necessary and convenient for carrying on the manufactures afore-said. [Feb. 8, 1822.]

Chap. 62.

AN ACT to regulate the Passway for Fish, in Beaver Brook, in the Town of Dracut.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That instead of the passway now required by law, to be kept in said brook, at the mills owned by Artemas Stanley and Sewall Stanley, in the town of Dracut, in the county of Middlesex, the owners shall be, and hereby are required to keep open a passway for the passage of the fish called alewives, of the following dimensions: beginning at the dam, near the factory floom, six feet in width, on a level with the bottom of said floom, and running by the side of the said floom to the factory wall, then turning and running twenty feet down by the side of said dam, three feet and half wide, with stoppers on each side, with a board or plank, to be placed across the head of said course, six inches in width; and the said head to keep open and in sufficient repair at all times, while said fish are passing up and down said brook.

Passway to be
kept open.

Description.

Stoppers.

SECT. 2. *Be it further enacted*, That so long as the owners of said mill shall keep open said course and in good repair, in the manner aforesaid, they shall not be subject to any of the penalties or restrictions of any law for regulating the passage of fish in the said brook; and no person or persons shall be allowed to take any fish in said course, or within thirty feet of the same, in any way or manner, under a penalty of five dollars, to be recovered in an action of debt, in any court proper to try the same, to be for the use of him or them, who may sue therefor. [Feb. 8, 1822.]

Interdiction of
taking fish.

Chap. 63.

AN ACT to incorporate The First Universalist Society, in Cambridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That Peter Tufts, jun. Isaac Kimball, Thomas Mason, Josiah Mason, Josiah Mason, jun. Walter K. Mason, Josiah Oakes, Samuel Hastings, Joseph Abbot, William Bell, Joseph Dane, Zacheus Whitney, Augustus Richardson, Samuel Peabody, David Oliver, David Hutchinson, John Weld, Andrew Boardman, John Boardman, Asa Murdock, Thomas G. Fox, Thomas Hill, Leonard Parks, Samuel Harris, Loca Richardson, Samuel Mason, Henry Greenwood, Ferrington Hawkes, Joseph Jennings, Enoch Davis, Leonard Harris, Simon Ames, John Dodge, and Charles Walker, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated and made a body politic and religious society, by the name of The First Universalist Society, in Cambridge; and by that name, may sue and be sued, and shall be invested with all the powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only. And the said society shall be capable in law, to purchase and hold estate, real and personal; *provided*, the annual income thereof, shall not exceed, at any one time, more than the value of three thousand dollars.

Persons incor-
porated.General pow-
ers.

Proviso.

SECT. 2. *Be it further enacted*, That said society be, and they are hereby authorized and empowered to raise, by assessments on the pews and seats, which may be made and built in any house, that may be hereafter erected by them, all such sum or sums of money, for the settlement of a minister or ministers, repairing said house, and other expenses of public worship, with such incidental charges as they may agree on, at any legal meeting called for that purpose; and the same may assess, or cause to be assessed, upon such pews or seats, as the proprietors or members as aforesaid, at such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' books; and the sums so assessed shall be paid by the proprietors of such pews or seats: And if any proprietor shall neglect to pay such assessments which shall have been legally made, for the space of one year, the treasurer of said society shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor, in said corporation, at public auction, first giving notice thereof, thirty days at least, previous to the sale, by posting up notifications at the door of said house; and upon such sale, to execute good and sufficient deed or deeds; and after deducting said delinquent's assessments, with incidental charges, the treasurer shall pay the overplus, if any there be, to such delinquent proprietor.

Assessments.

May sell pews.

May convey
pews.

SECT. 3. *Be it further enacted*, That said society may have power to order and establish such regulations, rules, and by-laws for their government, and the management of their concerns, as they may see fit; *provided*, the same are not repugnant to the laws of this Commonwealth.

Rules and by-
laws.

SECT. 4. *Be it further enacted*, That Peter Tufts, jun. Esquire, or any other justice of the peace for the county of Middlesex be, and hereby is authorized to issue his warrant to

any member of said society, to notify and warn all the members thereof to meet and assemble at such time and place, as he shall therein appoint; and when so met and assembled, to organize the society, by choosing a president, clerk, and treasurer, and such other officers, as they may see fit to elect; and there shall be annually, a meeting of said society for the choice of officers, which shall always be holden in the month of March or April; which meeting shall be notified by the clerk of said society. [Feb. 9, 1822.]

Chap. 64. An ACT to annex Josiah Lovett to The First Parish in Beverly.

Conditional annexation. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Josiah Lovett, with his family, polls and estate, be, and they are hereby set off from the Third Congregational Society, in Beverly, and annexed to the First Parish in said Beverly; provided, the said Josiah Lovett shall be holden to pay all taxes, legally assessed upon him, as member of said Third Congregational Society, previous to the passing of this Act. [Feb. 9, 1822.]*

Chap. 65. An ACT to incorporate The Ware Manufacturing Company.

Persons incorporated. **General powers.** **1808 ch. 65.** *SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles P. Dexter and Darius B. Holbrook, together with such others as now have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of The Ware Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of Ware, in the county of Hampshire; and for this purpose shall have all the powers and privileges. and shall be subject to all the duties and requirements, prescribed and contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations," and the several Acts in addition thereto,*

May hold real estate. **Proviso.** *SECT. 2. Be it further enacted, That the said Ware Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufacture: Provided, The value of such real estate, shall not exceed one hundred thousand dollars, and the value of such personal estate, shall not exceed two hundred thousand dollars. [Feb. 9, 1822.]*

Chap. 66. An ACT incorporating The Trustees of Mount Carmel Lodge.

Persons incorporated. *SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Gardner, Amariah Child, Samuel Brimblecom, Robert W. Trevett, Benjamin Oliver, Josiah Newhall, and William F. Ingalls, and their associates and successors, be, and they hereby are constituted a corporation, by the name of*

The Trustees of Mount Carmel Lodge; and they hereby are invested with all the powers, privileges, and immunities, incident to corporations of a similar nature. General powers.

SECT. 2. *Be it further enacted*, That said trustees shall have power to receive, possess and hold, by gift, grant, purchase, or devise, any real or personal estate; *provided*, the value of said real estate, do not exceed five thousand dollars, nor the value of said personal estate, exceed one thousand dollars; and shall and may employ the income, interest and profits arising from such estate, in acts of charity and benevolence. May hold real or personal estate.

SECT. 3. *Be it further enacted*, That the said trustees and their successors, shall have and use a common seal, and by the name aforesaid, may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution. And the said trustees and their successors shall, annually, elect by ballot, a president, to preside at their meetings, and a clerk, to record the doings of the said trustees. May sue and be sued.

SECT. 4. *Be it further enacted*, That the said trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey in fee simple, lease or mortgage, all or any part of the real estate which they may hold as herein aforesaid, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by their president, by the direction of the said trustees or a major part of them, with the seal of said corporation thereunto affixed, shall be good and valid in law, to pass and convey the same to the purchaser or purchasers thereof, to all intents and purposes whatsoever. And said trustees may make and establish such by-laws, rules and regulations as they may think proper; *provided*, the same are not repugnant to the constitution and laws of this Commonwealth. May sell and convey real estate.

SECT. 5. *Be it further enacted*, That James Gardner be, and he hereby is authorized to call the first meeting of said trustees, by giving personal notice to each of them, or leaving a written notification at each of their houses, seven days before the time of meeting: *Provided however*, that this Act may be repealed whenever the legislature may deem it expedient that the corporation should be abolished. [Feb. 9, 1822.] Rules and by-laws.

An ACT to incorporate the Proprietors of the New Meeting House, in Dedham.

Chap. 68.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Fales, Jonathan Avery, Benjamin Farrington, Jonathan Richards, Reuben Richards, Reuben Guild, John Guild, Nathaniel Guild, Calvin Guild, Paul Lewis, Samuel Lewis, John Bullard, Jacob Clark, Jesse Wheaton, Joseph Daniel, Jesse Daniel, Jesse Fuller, Frederick A. Taft, Joseph Stow, Elisha McIntosh, Jason Messenger, Samuel Noyes, Joseph Morrill, Leonard Alden, Martin Draper, Robert Edson, and Josiah S. Fisher, their associates and successors, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the New Meeting House, in Dedham; and by that name, may sue and be sued, have a common seal, and Persons incorporated.

General powers. the same alter at pleasure, and may ordain such rules and regulations as are not repugnant to the laws of this Commonwealth; and choose such officers as the good management of the affairs of said body corporate may at all times require.

Assessment on shares. *SECT. 2. Be it further enacted,* That said corporate body shall have power to raise money by assessment on the shares of the said corporators, for the purpose only of repairing said meeting house: *Provided,* this power shall not be construed to extend to the raising of money for altering, completing or enlarging said house, unless every corporator shall, in writing, give his assent thereto.

May pass pews. *SECT. 3. Be it further enacted,* That a committee of said corporate body, which may be chosen for that purpose, shall have authority in law, to convey and execute deeds to pass pews in said house, to such persons as said corporate body shall, at the first legal meeting thereof, direct, or according to the rules and regulations which said body corporate may ordain.

Qualification of votes. *SECT. 4. Be it further enacted,* That no vote of said body corporate shall bind said corporators, unless the owners of a majority of the shares in said house, shall concur therein.

First meeting. *SECT. 5. Be it further enacted,* That Samuel Fales, of Dedham, may call the first meeting of said body corporate, by posting notices of the time and place thereof, in some conspicuous place in said meeting house, eight days at least, before the time he may so appoint. [*Feb. 11, 1822.*]

Chap. 69. An Act in addition to an Act, to incorporate the Wolcott Woollen Manufacturing Company.
1819 ch. 150.

Additional capital. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Wolcott Woollen Manufacturing Company may hold and possess real estate, not exceeding two hundred thousand dollars, and personal estate, not exceeding two hundred thousand dollars, for the purposes as in the Act incorporating said manufacturing company, is provided; and that so much of said Act, as is repugnant to this Act, be, and the same is hereby repealed. [*Feb. 11, 1822.*]

Chap. 71. An Act to alter and amend an Act incorporating the Baptist Missionary Society, in Massachusetts.
1807 ch. 62.

Partial repeal of act. *SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the first section of the Act, entitled "An Act to incorporate the members of a society, by the name of the Baptist Missionary Society, in Massachusetts," as limits the continuance and succession of said society to fifteen years, be, and the same is hereby repealed.

Capital. *SECT. 2. Be it further enacted,* That so much of the second section of the said Act as authorizes and limits the society to receive and hold real estate to an amount not exceeding fifteen thousand dollars, and personal estate by donation, bequest, legacy, or otherwise, not exceeding ten thousand dollars, be so far altered and amended, as to allow said corporation to receive and hold real and personal estate. to the amount of fifty

thousand dollars; the annual income of which shall be applied agreeably to the provisions of the said Act, and not otherwise: *Provided*, that the legislature shall have a right to repeal this Act, whenever they shall deem it expedient. [Feb. 11, 1822.]

Annual income.

An ACT declaring and confirming the incorporation of the Proprietors of the Church in Brattle Square, in Boston. Chap. 71.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all persons who now are, or who may hereafter be, the proprietors of the pews in the Congregational meeting house, situate in Brattle Square, in Boston, be, and they are hereby declared and confirmed to be a body politic and corporate, by the name of the Proprietors of the Church in Brattle Square; with all powers, rights and privileges, which, by the constitution or laws of this Commonwealth, belong to parishes; and with power also to purchase, to take, and to hold any estate, real, personal or mixed, for the support of the ministry, and the suitable maintenance of the public worship of Almighty God: *Provided*, that the whole estate of the said corporation shall not exceed in its annual income, the sum of five thousand dollars, exclusive of their meeting house, and also of their ministerial house, which is now holden by the deacons of the said church, in trust for the use of the minister for the time being, according as the same is expressed in the devise of the same to them, in and by the last will and testament of the late Lydia Hancock. And furthermore, the said corporation shall be, and hereby are deemed in law, to be seized of the same meeting house, with all the lands under, adjoining and belonging to the same, with the rights, privileges and appurtenances thereto belonging, by whatever other name the same shall or may have been heretofore conveyed to them; reserving however, to the several proprietors of the pews in said meeting house, their right to, and interest in the said pews, respectively.

Title.

General powers.

Limitation of real estate.

SECT. 2. *Be it further enacted,* That the said proprietors shall meet annually, on the second Monday in July, at the said meeting house, or at such other place as their committee may appoint; and at such other times and places, as they shall be duly notified to attend, in manner hereinafter mentioned. And at said annual meeting, after having chosen a moderator, shall choose a clerk, treasurer, and a committee of twelve persons, who shall all continue in office for one year, and until others are chosen in their room. And if for any cause, the said annual meeting should not be holden at that time, then the said officers may be chosen at any other meeting, duly notified for that purpose; and any person who shall usually attend public worship in said meeting house, shall be eligible to either of said offices. And any proprietor shall have a right to act and vote by proxy, at any meeting of the said proprietors, in case such proprietor should not attend the same in person: *Provided how-* ever, that no proprietor, whether of one or more pews shall, in any case, be entitled to more than one vote, either in person or by proxy; and in case a pew be owned by two or more

Annual meeting.

Officers to be chosen.

Proviso.

persons, only one of them shall be entitled to vote by virtue of such ownership.

Powers of committee.

SECT. 3. *Be it further enacted*, That the said clerk shall be sworn to the faithful performance of the duties of his office ; and it shall be his duty to record all the votes and all the proceedings of the said proprietors, and of the said committee, in separate books, to be kept by him for that purpose : And the said committee, or a major part of them, shall have full power to manage all the prudential affairs of the said proprietors, in the same and in as ample a manner, as parish committees are authorized by law, to manage the prudential affairs of parishes ; and to notify any proprietors' meeting, by posting up a notification at the door of said meeting house, seven days at least, before the time of holding the same, or by giving notice to the members present, from the pulpit, on the Sabbath immediately preceding the meeting.

Duties and privileges.

SECT. 4. *Be it further enacted*, That the said proprietors shall be entitled to all the privileges which they have heretofore in fact enjoyed, and shall be bound by all the contracts they have heretofore in fact entered into, and be subject to all the duties they have heretofore been subject to : and the said proprietors are also empowered, from time to time, to make such further contracts, and raise such sums of money, annually, as they shall judge necessary for the maintenance and support of the public worship of Almighty God, for the repairs or alteration of said meeting house, and for other parochial and incidental charges, including any sums which may be wanted to repair the ministerial house, or for rebuilding the same in any future time ; and all monies, so raised by the proprietors aforesaid, shall be paid quarterly, as the same have heretofore been, or otherwise, as the said proprietors shall hereafter order and appoint.

Assessments.

SECT. 5. *Be it further enacted*, That all monies raised by the said proprietors for the purposes aforesaid, shall be assessed by the said committee, or by the major part of them, upon the several proprietors of the pews in said meeting house, according to the relative value of said pews, regard being had to their situation and convenience. And the pews in said meeting house shall be held liable to be taken and sold for the payment of all assessments, duly made as aforesaid, and for the discharge of all expenses incurred by such sale, in such manner, and on such contingencies and conditions, as have been or may be agreed upon by the said proprietors, and which are or shall be summarily expressed and contained in the deed or conveyance of the pews ; and the assessments made as aforesaid shall be considered as a lien upon the pews in said meeting house.

Liability of pews.

Vacancies to be filled up.

SECT. 6. *Be it further enacted*, That if any of the officers chosen by the said proprietors shall die or resign, during the year, for which they may be chosen, other persons may be elected in their room for the remainder of the year, at any meeting of the proprietors ; and that the present clerk, treasurer, and committee of the said proprietors shall be and remain in office, till the first annual meeting of the said corporation under this Act.

unless the proprietors, at any meeting prior to that time, shall elect others in their place.

SECT. 7. *Be it further enacted*, That the present committee of the said church, to wit; Arnold Welles, Peter Oxenbridge Thatcher, Samuel Hammond, Isaac Parker, Harrison Gray Otis, Samuel Snelling, Joseph Hall, Alden Bradford, Samuel Cobb, George Bond, James Trecothick Austin, and Jonathan Chapman, or a major part of them, may cause the first meeting of the said proprietors to be called for any purpose, by giving notice of the same, as is herein before provided. [*Feb.* 13, 1822.]

Names of committee.

An ACT to incorporate the First Baptist Society, in the District of Holland.

Chap. 76.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Church, Judah Back, John C. Buterworth, John Anderson, David B. Dean, Benjamin Franklin, Samuel Frizel, Ellridge G. Fuller, Thomas Gould, Joseph Glazzen, Jedediah Healy, Levi James, Walter Lyon, Ebenezer Lyon, Elisha Marcy, David Marcy, Uriah Marcy, Ithamer Merifield, Sarel Parien, Calvin Polley, John Polley, Lyman Polley, Perley Stone, Rinalder Wallis, Allen Tiffany, Loring Webber, Oshea Webber, William Webber, Bradley Webber, Eliphas Webber, Samuel Webber, William Wood, and Elisha Wylls, together with such others as may hereafter associate with them, and their successors, with their families, polls and estates, be, and they are hereby incorporated as a religious society, by the name of the First Baptist Society, in the district of Holland; with all the powers and privileges, to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

General powers.

SECT. 2. *Be it further enacted*, That the Clerk of said society shall record in a book, to be by him kept for that purpose, the names of the proprietors of every pew or part of a pew, in the meeting house of the said society, and shall give to every such proprietor, a certificate of his ownership of such pew or part of a pew; which certificate shall be full evidence of the title of such proprietor thereto, and shall vest the same in said proprietor and his heirs, to all intents and purposes; and a copy of such certificate shall be recorded in the same book, by the said clerk; and all known officers of law, for all lawful purposes, shall have free access to such book of records.

Record of pews.

SECT. 3. *Be it further enacted*, That any three of the persons named in this Act, or either of them, may cause the first meeting of said Baptist Society, to be called, by posting up a notification at said meeting house, giving at least, seven days notice, of the time, place, and purpose of said meeting; at which meeting, the society may agree on the mode of notifying future meetings. [*Feb.* 14, 1822.]

First meeting.

An ACT to incorporate the Dedham Worsted Factory.

Chap. 77.

SECT. 1. *BE it enacted by the Senate and House of Representa-*

tives, in General Court assembled, and by the authority of the same,
 That William Phillips and Jabez Chickering, together with such others as may hereafter, associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Dedham Worsted Factory; and shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and in the several Acts in addition thereto.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of worsted yarns. [Feb. 14, 1822.]

Chap. 78.

An ACT to incorporate the Chester Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Titus Doolittle, Daniel Collins, Thomas Fry, and Origen A. Perkins, with their associates, successors and assigns, shall be, and the same hereby are created a corporation and body politic, by the name of the Chester Turnpike Corporation, for the purpose of making, maintaining, and keeping in repair a turnpike road, from the west end of Walton bridge, so called, in the town of Chester, in the county of Hampden, upon the present road of the Eighth Massachusetts Turnpike Corporation, to the foot of Becket Mountain, about half a mile west of the dwelling house of Uriah Ferre, in said Chester; thence by the new road, made by the aforesaid individuals and their associates, and accepted by the Court of Common Pleas for the county of Hampden, pursuant to authority granted to said court, by An Act of the General Court, passed on the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen, to the Becket Turnpike, with all the privileges and immunities, incident to incorporations, and subject to all the pains, penalties and forfeitures, imposed in and by the Act for establishing a corporation, by the name of the Eighth Massachusetts Turnpike Corporation.

SECT. 2. *Be it further enacted,* That the corporation hereby established, shall have power to erect a gate upon said road, at such place as may be deemed most convenient for collecting the toll, between the house of Uriah Ferre and the old tavern house of John Dewey, in said Chester; and shall be entitled to receive at said gate, from each traveller or passenger, the same rate of toll, as the Eighth Massachusetts Turnpike Corporation are now by law, authorized to receive at their gate, in Russell.

SECT. 3. *Be it further enacted,* That the provisions of the third, fourth, fifth, ninth, tenth, eleventh and twelfth sections of the aforesaid act, entitled "An Act for establishing a cor-

poration, by the name of the Eighth Massachusetts Turnpike Corporation," shall be extended and applied to the corporation hereby established, as fully, and to all intents and purposes, as if the same had been here specially recited.

Application of former law.

SECT. 4. *Be it further enacted*, That the said Eighth Massachusetts Turnpike Corporation be, and hereby are exonerated and fully discharged from all and any liability to maintain or keep in repair their said road, west of Walton bridge, so called, in the town of Chester.

SECT. 5. *Be it further enacted*, That the alterations made in the road of the Eighth Massachusetts Turnpike Corporation, in conformity with the report of the committee appointed by a resolve passed on the ninth day of February, in the year of our Lord one thousand eight hundred and twenty, to view said road, be established and confirmed: *Provided always*, that nothing herein contained shall have any effect upon any suit or suits now pending, or any cause of action now existing, for any damage done by the laying out, or making said new road.

Exemptions.

Provisionary confirmation.

SECT. 6. *Be it further enacted*, That Titus Doolittle and Daniel Collins, are hereby authorized to call a meeting of all persons interested in the corporation hereby established, to be holden at the house of Daniel Collins, in said Chester, by giving notice thereof, fourteen days at least, before the time of said meeting, in one of the newspapers printed in Springfield, and by posting up notices at the dwelling house of Uriah Ferre, in said Chester, and Eleida Kingsley, in the town of Becket; which meeting shall be holden in the month of March or April next; and the meeting so convened as aforesaid, may then and there proceed to elect such officers, and establish such by-laws and other regulations, as they may deem just and expedient, for the due management of the affairs of said corporation; *provided*, the same are not inconsistent with the laws of this Commonwealth. [Feb. 14, 1822.]

First meeting.

Election of Officers.

AN ACT to establish the Gloucester Canal Corporation.

Chap. 79.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Pearce, Benjamin K. Hough, James Mansfield, William Pearce, junior, John Mason, William Saville, Samuel Gilbert, E. Dale, William Beach, Eli Stacy, Ephraim Brown, junior, Zachariah Stevens, Abraham Williams, junior, C. L. Roberts, Winthrop Sargent, David Harraden, Aaron Day, and William W. Parrott, their associates and successors, be, and they hereby are made a corporation and body politic forever, by the name and style of the Proprietors of the Gloucester Canal; with all the powers, privileges and immunities incident to a corporation aggregate; and said corporation is hereby made capable in law, of having, holding, purchasing, and taking, in fee simple, or in any less estate, by gift, grant, devise or otherwise, any lands, tenements, hereditaments or other estate, real, personal or mixed, necessary for the making, upholding and maintaining a navigable canal or canals, in the town of Gloucester, to connect the waters of Boston and Ipswich

Persons incorporated.

General powers.

May hold real estate.

May open Canal.

Proviso.

Bays, as formerly: *Provided nevertheless*, that the amount thereof shall not exceed the sum of one hundred thousand dollars.

By-laws.

SECT. 2. *Be it further enacted*, That said corporation shall have a common seal, and shall be capable in law, to prosecute and defend to final judgment and execution, any action or other process, before any court, tribunal or magistrate whatever, and to do and perform all such other acts, matters and things, as an aggregate corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations, as they may find necessary or useful for the well ordering and governing their officers, agents, servants, estates, rights, property and interests: And they shall have power to appoint a president, treasurer, secretary, and such other officers, agents and servants, as they may find necessary and convenient for them, and to invest them with such powers, and subject them to such duties, as may be provided in and by the by-laws and regulations aforesaid; *provided*, the same are not repugnant to the laws of this Commonwealth.

Officers to be appointed.

Duties of officers.

Proviso.

General powers of Corporation, for opening Canal.

Satisfaction to owners of land.

SECT. 3. *Be it further enacted*, that said corporation shall have power to explore, mark and lay out one or more parcels of marsh or upland, not more than thirty rods wide, from low water in the harbor of Gloucester, and extending across the highway as it now goes into the town of Gloucester, to the bar at the entrance of Annisquam river in any direction most convenient for them, by making the owners thereof a reasonable compensation for the same, (which compensation, if said owners and corporation cannot agree upon, shall be decided by three disinterested freeholders, living within the vicinity of said marshes or land so taken, one to be appointed by each party, and the other by those two, and the cost to be paid equally by the parties,) through and over any of which parcels of marsh or land, they may dig, make and complete a navigable canal or canals of suitable width and depth for the passage of vessels drawing six or more feet of water; and for the purpose of maintaining said canal or canals, the said corporation are hereby authorized to make, in any part of such canal or canals, in any part of Annisquam river, or at the extremities thereof, all such embankments, piers, locks, gates or wharves, and other works, as well above as below low water mark, as may be convenient or necessary for the purposes of this Act.

Damages by violence, to be paid for.

Suits for damages.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or contrary to law, take up, remove, break down or dig under, or otherwise injure any part of said canal or canals, or any work or works connected with or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to said corporation, treble such damages as said proprietors shall, to the Justice, or Court and Jury, before whom the trial shall be, make appear that they have sustained by means of the said trespass; to be sued for and recovered with costs, in any court proper to try the same; and such offender or offenders shall further be liable to indictment for such trespass

or trespasses, and, on conviction thereof, shall be sentenced to pay a fine, to the use of the Commonwealth, of not less than ten dollars, or more than one hundred dollars.

SECT. 5. *Be it further enacted,* That the stock and property of said corporation shall be divided into two hundred shares, certificates of which shall issue under the seal of said corporation, and be signed by the president and treasurer thereof; and the said shares shall be taken and deemed to be personal estate, and may be transferred by endorsement; and such transfer shall be recorded by the secretary of said corporation; and the said corporation may make assessments on the shares, for the purpose of effecting the objects of the corporation: *Provided however,* That the whole amount of assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars; and in case the amount of fifty dollars, so assessed on each share, will not supply the necessary funds, the corporation may raise the funds required, by selling any shares not subscribed for, or by creating any necessary number of shares over and above the said two hundred: And if the proprietor of any share or shares shall refuse or neglect to pay any assessment, for the term of thirty days after the same hath become due, the share or shares on which there is a delinquency, may be sold at public auction, notice of the time and place being given by the treasurer of said corporation, in two public newspapers printed in Boston, three weeks at least, before the time appointed for such sale; and also by posting up said notice within the town of Gloucester, ten days at least before such sale; and the proceeds of such sale shall be applied to the payments due on the share or shares so sold, with incidental charges; and the surplus, if any, shall be paid to the former owner, or his legal representative, on demand; and such sale shall give good and complete title to the purchaser or purchasers of such share or shares, and he shall receive a new certificate thereof: *Provided however,* That, if before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Shares of corporation.

Shares transferable.

Proviso.

Limitation of assessments.

Delinquent shares may be sold.

Proviso.

SECT. 6. *Be it further enacted,* That said corporation shall be entitled to ask and receive, for their sole use and benefit, of and from all vessels, boats, rafts or other articles passing through said canal or canals, fees or tolls, not exceeding the following rates: For all registered, licensed or enrolled vessels, loaded and drawing more than six feet of water, six cents per ton; all vessels as aforesaid, not loaded, and drawing less than six feet of water, four cents per ton; for all rafts of timber, thirty cents per ton; for all rafts of sawed lumber of one inch in thickness, seventy-five cents per thousand feet; and other sawed lumber in proportion, according to its thickness; for every thousand of shingles, twelve and an half cents; for every cord of fire wood, fifty cents; and other lumber such reasonable toll, in proportion, as the corporation shall determine; for

Rates of toll.

a gondola, twenty cents per ton on its capacity to carry; for a pair of freighting canoes, seventy-five cents; for a sail boat, if over two tons, twenty-five cents per ton; and for all other boats and articles, passing through said canal or canals, such reasonable toll, in proportion to the rates aforesaid, as may be fixed by the corporation: and shall also be entitled to ask and receive of and from every vessel, boat, raft or other thing entering said canal or canals, and not passing through the same, such reasonable rate of toll, dockage, anchorage and wharfage, as may be fixed by the regulations of said corporation; the tonnage in all cases to be ascertained by the register, or coasting or fishing license of the vessel passing said canal or canals; and, in all cases, the amount of toll, dockage, anchorage or wharfage, due from any vessel, boat, raft or other thing or article, shall be a lien in favour of said corporation, on such vessel, boat or raft, or other thing or article, until the amount due as aforesaid be paid to said corporation: and the said corporation may contract by the year or otherwise, with any person or persons in the habit of passing through said canal or canals, in writing, on such terms as may be mutually agreed upon; and such contract, so made, shall be binding on the parties.

Contracts for
tolls.

SECT. 7. *Be it further enacted*, That it shall be the duty of said corporation to make and keep in good repair, at all times, a good and sufficient bridge with a draw, over said canal where the road now passes into the town of Gloucester, which may be taken for the same, for the passage of teams, mail stages and carriages, and every thing else necessary for public convenience, toll free.

Bridge to be
kept in repair.

SECT. 8. *Be it further enacted*, That the stock and property of said corporation shall be exempted from all public taxes, until a dividend shall be made on the shares of said corporation, equal to an annual income of six per centum on the money actually expended by said corporation in making said canal or canals, and other works connected with, and appertaining to the same.

Exemption
from taxes.

SECT. 9. *Be it further enacted*, That no grant, authority or permission shall be given or granted to any person or persons, corporation or corporators, to make any canal or canals connecting the waters of Boston and Ipswich Bays, through Annisquam River or creeks emptying into the same, without the consent of the corporation hereby created: *Provided however*, if the said corporation shall not complete a canal or canals as aforesaid, passable for vessels drawing at least six feet of water, within six years from and after the passing of this Act, the same shall be void.

Privileges of
the corpora-
tion.

Proviso.

SECT. 10. *Be it further enacted*, That any four of the persons named in the first section of this Act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper; of which meeting they shall give notice, by publishing the same in any two of the Boston newspapers, the first publication to be at least, fourteen days previous to said meeting; and at meetings of said corporation, one vote shall be allowed to one share, and one vote for every

First meeting.

additional two shares owned by the same proprietor: *Provided*, No one proprietor shall be allowed more than five votes, and absent proprietors may vote by proxy, duly authorized in writing. Condition of votes.

SECT. 11. *Be it further enacted*, That the Governor and Council may authorize the treasurer of this Commonwealth to subscribe for not exceeding thirty shares in the aforesaid corporation, they first being satisfied of the public utility of the same, and being requested by a legal vote of the corporation, to subscribe for the same. [Feb. 16, 1822.] State may subscribe for shares.

An ACT to establish Lexington Academy.

Chap. 80.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of Lexington, in the county of Middlesex, an academy, by the name of Lexington Academy, for the purpose of promoting religion and morality, and for the education of youth in such of the liberal arts and sciences as the trustees, for the time being, shall direct; and that Rufus Meriam, Esquire, Doctor Joseph Fiske, John P. Meriam, Esquire, Doctor Stilman Spaulding, Nathan Reed, John Augustus, Joshua Simonds, Joseph Simonds, Christopher Reed, Nathaniel Harrington, William Chandler, Aaron P. Richardson, Thomas Tufts, Nathan Harrington, jun. Nathan Dudley, Hammond Reed, Ebenezer Simonds, Thomas Greenleaf, Jonathan Munroe, Francis Wyman, and William Smith, jun., be nominated and appointed trustees; and they are hereby incorporated into a body politic, by the name of The Trustees of Lexington Academy; and that they and their successors shall be, and continue a body politic, by that name, forever. Trustees.

SECT. 2. *Be it further enacted*, That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting or establishing an academy as aforesaid, or which shall be hereafter given, granted, or assigned to the said trustees, shall be confirmed to the said trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed; and the said trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal; *provided*, the annual income of the same shall not exceed the sum of three thousand dollars; and shall apply the interest, rents, and profits thereof, so as most effectually to promote the design of the institution. May hold real estate.

SECT. 3. *Be it further enacted*, That said trustees, for the time being, shall be the visitors and governors of said institution, and shall have full power, from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices; to remove from office any trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office; to fill all vacancies that may happen in the Board of Trustees, by electing suitable persons therefor; to determine the times and places Election of officers.
Vacancies to be filled up.

Duties of officers.

for holding their meetings, the manner of notifying the trustees, the method of electing and removing members of the Board; to ascertain the powers and duties of their several officers; to elect instructors, and prescribe their duties; to make and ordain reasonable rules, orders and by-laws, with reasonable penalties, for the government of the institution; *provided*, the same be not repugnant to the laws of this Commonwealth.

General powers.

SECT. 4. *Be it further enacted*, That the trustees of said academy may have a common seal, which they may change at pleasure; and all deeds sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be good and valid in law; and said trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of The Trustees of Lexington Academy.

Limited number of trustees.

SECT. 5. *Be it further enacted*, That the number of said trustees shall never exceed twenty-one, nor be less than nine, seven of whom shall be necessary to constitute a quorum for doing business; but a less number may adjourn from time to time; and a majority of those present shall always decide all questions that may properly come before said trustees, except that a majority of all the trustees shall be necessary to remove or elect any member of the board: *Provided*, That the proportion of said trustees, who shall be inhabitants of the town of Lexington, shall never be greater than five ninths of the whole number.

Proviso.

First meeting.

SECT. 6. *Be it further enacted*, That Rufus Meriam, Esquire, be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to notify them thereof. [Feb. 16, 1822.]

Chap. 81.
1794 ch. 16.
(V. 1. p. 533.)

An Act in addition to an Act, entitled, "An Act incorporating certain persons into a Society, by the name of The Massachusetts Charitable Fire Society."

Extension of powers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Charitable Fire Society, or the Trustees of the same, be, and they are hereby authorized and empowered to appropriate and dispose of such part of the interest, accruing from the funds of said society, to any other charitable purpose or purposes, than those mentioned in the Act, entitled, "An Act incorporating certain persons into a society, by the name of The Massachusetts Charitable Fire Society," and to such benevolent institutions within this Commonwealth, as the trustees of the said society, or a major part of them, shall from time to time, deem fit and proper: *Provided however*, That no donation or appropriation of the interest as aforesaid, shall exceed the sum of three hundred dollars, at any one time, or to any one charitable purpose or benevolent institution, until the same shall have received the approbation and consent of the said Massachusetts Charitable Fire Society, at a meeting duly notified and holden for that purpose. [Feb. 16, 1822.]

Proviso.

An ACT to establish the Town of West Bridgewater.

Chap. 82.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the land comprised within the West precinct of the town of Bridgewater, according to the present territorial limits thereof, together with the inhabitants thereon, be, and the same hereby are incorporated into a town, by the name of West

Title.

Bridgewater, and invested with all the powers and privileges, and subject to all the duties and requisitions, to which towns in this Commonwealth are by the constitution and laws entitled and subjected.

SECT. 2. *Be it further enacted,* That the inhabitants of said town of West Bridgewater shall be holden to pay all arrears of taxes, which have been assessed or directed to be assessed upon them, by the town of Bridgewater, and shall be entitled to receive, hold and enjoy such proportion of all debts and taxes now due, and assessments voted to said town of Bridgewater, and such proportion of all the privileges and property, real or personal, now belonging to said town of Bridgewater, of what kind soever it may be, as the property of said inhabitants of West Bridgewater bears to the property of all the inhabitants of said town of Bridgewater, according to the latest valuation thereof; and they shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts now due and owing from said town of Bridgewater, and of all expenses, costs, or fines, that may arise on any indictment now pending against said town of Bridgewater.

Payment of arrears of taxes.

Conditions of corporate power.

SECT. 3. *Be it further enacted,* That the said town of West Bridgewater shall be holden to support their proportion of the poor of the town of Bridgewater, which are now chargeable to said town, which proportion shall be ascertained by the present valuation of the town: and all persons who may hereafter, become chargeable as paupers, to the said towns of Bridgewater and West Bridgewater, shall be considered as belonging to that town, on the territory of which they had their settlement, at the time of passing this Act, and shall in future, be chargeable to that town only.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Plymouth, is hereby authorized to issue his warrant directed to any freeholder of the said town of West Bridgewater, requiring him to warn the inhabitants thereof, to meet at the time and place therein appointed, for the purpose of choosing such town officers, as towns are by law, required to choose at their annual meetings. [Feb. 16, 1822.]

First meeting for choice of town officers.

An ACT explanatory of the Fourth Section of an Act, entitled "An Act to establish the Town of Hanson."

Chap. 83.
1819 ch. 147.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, it shall be the duty of the selectmen of the town of Pembroke, between the twentieth and thirtieth days of March, in each and every year, to make out a list of the names of all heads of families in the said

towns of Pembroke and Hanson, (the names from the town of Hanson, to be furnished by the selectmen of that town, on or before said twentieth day of March,) and after having given due notice to the selectmen of said town of Hanson, of the time and place of meeting, that they may be present, shall determine by lot, between the inhabitants of said towns, who shall first be supplied with the fish called alewives, taken in pursuance of the laws regulating the alewife fishery in the town of Pembroke, in the manner practised in the town of Pembroke, prior to the division thereof.

SECT. 2. *Be it further enacted*, That such person or persons, as shall hereafter, have the right to catch alewives in said town of Pembroke, under the several laws regulating said fishery in said town, shall furnish and supply to each of the heads of families in said town of Hanson, in their turn, on demand, with as many of said fish as shall be furnished to each of the families in the said town of Pembroke; and the person or persons, authorized as aforesaid, to catch said fish, shall, in no case, demand or receive, of, or from any of the inhabitants of said town of Hanson, more than twenty-five cents per hundred, and after that rate for a greater or less number.

SECT. 3. *Be it further enacted*, That whenever, and as often as the selectmen, or the person or persons, authorized to catch and dispose of the alewife fish, in said town of Pembroke, under the laws regulating said fishery therein, shall refuse or neglect to comply with and execute the provisions of the two first sections of this Act, the inhabitants of the said town of Pembroke shall forfeit and pay a sum of not less than twenty, nor more than fifty dollars, for each offence; to be recovered on an action of debt, one moiety thereof to the use of any inhabitant of said town of Hanson, who shall first sue for the same, and the other moiety to the use of the said town of Hanson. [Feb. 16, 1822.]

Chap. 84. An ACT to incorporate the Proprietors of the Farmers' Hotel, in the town of Brighton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Wylls Pomeroy, Thaddeus Baldwin, John Murdock, Edward H. Robbins, junior, and Francis Moore, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the Farmers' Hotel: And the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; and generally to do and execute whatever, by law, shall appertain to bodies politic.

SECT. 2. *Be it further enacted*, That the said corporation is hereby declared capable to have, hold, and possess certain real estate, situate in the town of Brighton, that may hereafter be purchased by them, together with all the rights, privileges, and appurtenances belonging to the same; *provided*, the lawful pro-

prietors thereof shall legally convey the same to said corporation. And the said corporation shall have power to sell, grant, and alien, in fee simple or otherwise, their corporate property, or any part thereof, in said town of Brighton; and to lease, manage, and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided*, that the said corporation shall, within three years from the passing of this Act, erect on some eligible scite, a spacious hotel, in said Brighton; the walls of which, to be built of stone or brick, and other buildings of such materials as may be found convenient, and that shall be deemed requisite by said corporation, to afford ample accommodation for such an establishment: *Provided always*, and it is hereby understood, that this Act of incorporation shall be liable to be repealed, whenever the legislature shall deem it, expedient, that the corporation hereby created, shall be abolished.

May sell property.

Scite of hotel.

Liability to repeal.

SECT. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding four hundred in number, as the said corporation may find to be most expedient; and the said shares shall be divided among the several proprietors, according to the interest and portions which they may respectively have in said corporate property; and certificates of such shares shall be signed by the president of the corporation, and issued to the proprietors accordingly; and the shares in said corporation shall be transferable by endorsement on the back of said certificate; and the property of said shares shall be vested in the assignee or vendee thereof, when a record shall be made of said transfer, by the clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects, be considered as personal estate.

Corporate shares.

Certificates of shares.

Shares transferable.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary to carry into full effect the object of this incorporation, either for purchasing lands, building, rebuilding and repairing, or for the erection of pens and fences for enclosures, or pastures, and generally, for the improvement or good management of the corporate estate, agreeably to the true intent and meaning of this Act: And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and deducting the amount assessed and unpaid, together with interest, and charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to, and receive a certificate of the share or shares, by him purchased, accordingly.

Assessments.

Delinquent shares may be sold.

SECT. 5. *Be it further enacted*, That the corporate property which the said corporation shall have and hold at one time, in virtue of this Act, shall not exceed in value, the sum of eighty thousand dollars. And in all meetings of the members of said

Limitation of corporate property.

Condition of votes. corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation; *provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third part of the corporate property; *and provided also*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least, in number and value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days previous, and of the purpose of such meeting, by the publication thereof in one or more newspapers printed in Boston: *Provided further*, that no debt shall be contracted by said corporation or their agents, unless the same is assented to by seven eighths in number and value, of all the members or proprietors of said corporation, in a legal meeting; and where said proprietors may appear and act in all cases by proxy, in writing.

Proviso.

Condition of contracts.

SECT. 6. *Be it further enacted*, That whenever any action shall be commenced against said corporation, or whenever any execution may issue against said corporation, on any judgment rendered in any civil action, and the said corporation shall not within fourteen days after demand thereof made on the president, treasurer, or clerk of said corporation, by the officer to whom the writ or execution against said corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate, to satisfy any judgment that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such execution, then, and upon such neglect and default, the officer, to whom such writ or execution may have been committed for service, shall serve and levy the same writ or execution upon the body or bodies, and real and personal estate or estates, of any member of said corporation.

Personal liability.

SECT. 7. *Be it further enacted*, That the share or shares, of each and every member of said corporation, shall be liable to attachment on mesne process, at the suit of any creditor, and may be taken on execution, and sold according to law, to satisfy any judgment which may be recovered, against the members of said corporation, respectively, in their respective private capacity, in like manner as shares in other corporations within this Commonwealth, are liable to attachment and seizure on execution; and the proceeds of sale shall be applied as in such cases is provided by law, concerning shares of proprietors of other corporations.

Shares may be attached.

(1804 ch. 83.)

SECT. 8. *Be it further enacted*, That the said S. W. Pomeroy, Francis Moore, or Edward H. Robbins, junior, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least, before the time of meeting: And the members of said corporation may, at such meeting, choose a president, treasurer, and clerk, and also make and ordain such by-laws and regulations, for the orderly management of the affairs of said corporation, as are not repugnant to the laws of this Commonwealth: And the corporation may, at such, or any other meeting, agree on the mode of calling future meetings, and shall elect a president and Clerk, and may elect all such other officers, as said

First meeting.

Election of officers.

corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as they may think expedient.

SECT. 9. *Be it further enacted*, That the said corporation shall be subject to all the duties, and liable to all the requirements, contained in an Act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations," and the several Acts in addition thereto. [Feb. 18, 1822.]

Duties and liabilities.

1808 ch. 65.

An ACT to change the Names of the Persons therein mentioned.

Chap. 86.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the several persons herein named, shall be known and called by the names they are respectively allowed to assume, namely: That William Hart Bowles, bookseller, may take the name of William Ralph Hart Bowles; that John Dana, merchant, may take the name of John Bridge Dana; that Deborah Eunson may take the name of Deborah Lincoln; that Peter Nathaniel Green, printer, may take the name of Nathaniel Green; that Pelham Holmes, junior, merchant, may take the name of James Lobdell Holmes; that Joseph Eckley Huntington, son of the late Reverend Joshua Huntington, may take the name of Joshua Huntington; that Jason Jay Jerome, broker, may take the name of John Jay Jerome; that Sophia Lapham, widow, may take the name of Sophia Dunbar, and that her son, Charles Howard Lapham, a minor, may take the name of Charles Howard Dunbar; that Charles Spring, merchant, may take the name of Charles Augustus Spring; that Edward Stevens, gentleman, may take the name of Edward Lowe Stevens; that John Thayer, a minor, son of the Reverend Nathaniel Thayer, of Lancaster, may take the name of John Eliot Thayer; that John Trull, distiller, son of John Trull, late of Tewksbury, husbandman, deceased, may take the name of John Wyman Trull; that Edward Erving, son of the late Doctor Shirley Erving, deceased, may take the name of Edward Shirley Erving; that Jonathan Stearns, grocer, son of David Stearns, late of Weston, may take the name of Jonathan Packard Stearns, all of Boston, in the county of Suffolk; that Elizabeth Cleaveland, a minor, daughter of Parker Cleaveland, of Rowley, may take the name of Elizabeth Abigail Cleaveland; that Joseph Hoyt, junior, of Amesbury, chaise maker, may take the name of Job Hoyt; that Hannah Hardy, of Bradford, single woman, daughter of Reuben Hardy, of said Bradford, deceased, may take the name of Hannah Coves Hardy; that Jacob Boardman Patten, of Amesbury, gentleman, may take the name of Charles Boardman Patten; that Herbert Peabody, a minor, son of Samuel Peabody, junior, of Salem, may take the name of Herbert Cheever Peabody; that Ebenezer Sargent, of Amesbury, chaise maker, may take the name of Noah Sargent; that Edward Sargent,

Names changed.

Names changed.

of Amesbury, potter, may take the name of Smith Sargent; that Mary Ann Cleaveland Spaulding, of Byfield, may take the name of Mary Ann Cleaveland; that Sarah Toppan Boardman, a minor, daughter of Offin Boardman, of Newburyport, may take the name of Sarah Greenleaf Boardman; that Clement Trickey, of Salem, trader, may take the name of Clement Tracy, all of the county of Essex; that Billy Onthank, of Holliston, may take the name of William Newton Onthank; that William Blanchard, a minor, son of Isaac Blanchard, of Charlestown, may take the name of Sampson Stoddard Blanchard; that Napoleon Bonaparte Hemenway, of Framingham, may take the name of Charles Hemenway; that Amos Prescott, laborer, of Westford, now resident in Pepperell, may take the name of Amos Fletcher Prescott; that Frederick Manson, junior, of Cambridge, printer, may take the name of Frederick Hurlburt Manson; that Ira Sawyer, of Marlborough, laborer, may take the name of Alfred Ira Sawyer; that Amos Cox, of Weston, son of Joseph Cox, of Waltham, may take the name of Daniel Wyman; that Nathan Weston, of Charlestown, school-master, may take the name of Alexander Nathan Weston, all of the county of Middlesex; that Silas Allen, of Dorchester, may take the name of William Winthrop Allen; that George Minot, the 3d, of Dorchester, may take the name of George Nathaniel Minot; that Willard Savage, of Needham, may take the name of Alonzo Temple; that Alice Sumner, of Brookline, may take the name of Alice Elizabeth Sumner, all of the county of Norfolk; that William Mendell, the 2d, of Rochester, in the county of Plymouth may take the name of William P. Mendell; that John Thurston, the 3d, of Lancaster, trader, in the county of Worcester, may take the name of John Gates Thurston; that Peter Hunt, junior, of Seekonk, in the county of Bristol, may take the name of Peter Brown Hunt; that Darius Morris, of Springfield, in the county of Hampden, student at law, may take the name of Richard Darius Morris. And the said several persons before named, shall hereafter, be called and known by the names which, by this Act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names. [Feb. 18, 1822.]

Chap. 87.

An ACT to annex Joseph Baker and others, to the Universalist Society of Western and Brookfield.

Persons annexed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Baker, Sewall Glazier, Benjamin Brooks, William Webster, Ebenezer Hitchcock, William James, Solomon F. Olds, Saunders Allen, Francis Webber, Elijah Allen, Jesse S. Brownsville, Lemuel Allen, Henry Fairbanks, Oliver Thayer, Parmenus Thayer, Levi Fairbanks, and Simon Fay, inhabitants of the towns of Brimfield and Sturbridge, with their families, polls and estates, be, and they are hereby annexed to the Universalist Society of Western and Brookfield; with all the powers and privileges incident to that corpora-

tion: *provided*, that the aforementioned persons shall be held bound to pay all arrears of taxes assessed upon, and due from them to any religious society, to which they have heretofore belonged. [*Feb. 18, 1822.*]

Conditions of
annexation.

An ACT to incorporate the Trustees of the Ministerial Fund in the First Parish in Marshfield.

Chap. 89.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Hewet, Isaac Dingley, Bourn Thomas, Robert Cushman, and Anthony Thomas, be, and they hereby are appointed trustees to sell the ministerial lands belonging to the First Parish in Marshfield, to receive subscriptions, and procure donations, in manner herein after provided.

Trustees.

SECT. 2. *Be it further enacted,* That said trustees be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Ministerial Fund in the First Parish in Marshfield; and they or their successors shall be, and continue a body politic and corporate, by that name, forever; and they shall have a common seal, subject to be altered at the pleasure of said parish; and they may sue and be sued, plead and be impleaded, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

General powers.

SECT. 3. *Be it further enacted,* That said trustees and their successors, shall annually elect a president and a clerk, to record the doings of said trustees, at their meetings, and a treasurer, to receive and apply the monies herein after mentioned, as herein directed, and any other needful officers, for the better managing their business.

Officers to be
chosen.

SECT. 4. *Be it further enacted,* That the number of said trustees shall be five, any three of whom, shall be a quorum for transacting business: And the said parish, at any legal meeting thereof, shall and may, from time to time, fill up vacancies in the Board of Trustees, which may happen from death, resignation, or otherwise, from the members of said parish; and shall also have power to remove any of their members who may become unfit and incapable from age, misconduct, infirmity, or any other cause, of discharging their duties, and supply a vacancy so made, by a new choice from their parish, within three months from the time of such removal: And the said trustees shall annually, hold a meeting in the month of March or April, and as much oftener as may be found necessary, to transact their business; which meeting, after the first, shall be called in such way and manner, as the trustees shall direct: And said trustees shall be obliged, at the annual meeting of said parish, to be holden in the month of March or April, to make a full and complete statement of all their doings, to said parish; and no one of said trustees shall hold his office as such, any longer than he remains a member of said parish.

Duties of officers.

Annual Meeting.

SECT. 5. *Be it further enacted,* That any Justice of the Peace, within and for the county of Plymouth, shall, on application of a majority of said trustees, fix the time and place of calling the first meeting of said trustees, and administer the necessary oath to the clerk, then to be chosen,

First Meeting.

Disposition of
property.

SECT. 6. *Be it further enacted*, That said trustees be, and they hereby are authorized to sell and convey, in fee simple, all the parsonage and ministerial lands belonging to said parish, (saving and excepting that part made use of as a burying yard, and that part where the meeting house now stands,) and to make and execute good and sufficient warrantee deed or deeds, of the same, subscribed with the name of the treasurer, by direction of said trustees, with their seal thereto affixed; which said deed or deeds, shall be good and effectual in law, to pass and convey the fee simple in said lands in the parish, to the purchaser, to all intents and purposes whatever.

Donations may
be received.

SECT. 7. *Be it further enacted*, That said trustees shall further be authorized to receive any donation, to the use and for the benefit of said parish, the annual income of which shall not exceed one thousand dollars; and the same to place on the books and accounts to be kept by them, with the amount of this donation, and the time when made.

Subscriptions.

SECT. 8. *Be it further enacted*, That the said trustees be, and they are hereby authorized and empowered to receive subscriptions for the use and benefit of said parish, from any individual or individuals of said parish, to the amount or more, of his or their proportion of taxes in the parish, to be paid for the support of the ministry, or other parish expenses; and on receiving the same, and making it secure by an obligation, to remit or discharge said individual or individuals, so subscribing or binding him or themselves, from all taxes in said parish, so long as the subscription aforesaid shall remain and be in force, and no longer: the said obligation to be given to the treasurer of said board of trustees, for the use and benefit of said parish.

Property shall
be put at
interest.

SECT. 9. *Be it further enacted*, That the monies arising from the sale of said lands, and the donations and subscriptions aforesaid, shall be put out at interest, as soon as may be, and secured by mortgage of real estate, to double the amount of the estate sold; or the monies loaned, or by two or more sufficient sureties, or bank stock, which they are hereby authorized to do: And said parish shall at no time, appropriate more than the interest that may actually arise from the sale of the lands aforesaid, and the donations and subscriptions aforesaid, to the payment of the salary of their Minister, or any other parish charge or expense, whatever.

Trustees must
give bonds.

SECT. 10. *Be it further enacted*, That the treasurer of said board of trustees shall give bond to the parish, to double the amount of their funds, faithfully to perform his duty, and shall be responsible for the faithful application and appropriation of all the monies which may come into his hands, and for all negligence and misconduct in his office; and the clerk of said board of trustees shall be under oath, faithfully to record the doings of said trustees.

Compensation
to Trustees.

SECT. 11. *Be it further enacted*, That the trustees, or their officers, shall be entitled to no compensation for the services they may perform, out of the monies arising from the fund aforesaid; but, if entitled to any, shall have and receive the

same from said parish, as may be mutually agreed between the parish and them; and the said trustees shall at all times be liable to said parish for any negligence or misconduct of which they may be guilty, and accountable for the expenditure of said income.

SECT. 12. *Be it further enacted*, That nothing contained in this act shall be construed to bar or prevent said parish from raising any monies they may deem necessary to discharge parish expenses, and to assess the same in manner provided by law; and said trustees shall be holden and obliged annually, between the first Monday in April and the first Monday in May, to furnish the Assessors of said parish with a correct list of all the persons excused and exempted from taxation in said parish, as above provided; and it shall never be in the power of said trustees, or of said parish, to make any other appropriation of the funds aforesaid, than to support the gospel ministry of said parish. [Feb. 20, 1822.]

Duty of Trustees.

An ACT to incorporate the President, Directors and Company of the Columbian Bank. Chap. 90.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Phineas Upham, Edmund Dwight, Samuel Appleton, William Appleton, Thomas Motley, and Daniel P. Parker, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Columbian Bank; and shall so continue from the third Wednesday of April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one: And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum, beyond the amount of the capital stock actually paid in.

Persons incorporated.

1811 ch. 84.
Restriction of power.

Proviso.
Limitation of bills to be issued.
Capital stock.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say: one fourth part thereof, on or before the first day of May next; one fourth part thereof, on or before the first day of August next; one fourth part thereof, on or before the first day of November next, and the residue on or before the first day of February next; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act;

Transfer of
stock.

May hold real
estate.

Proviso.

Examination
of stock.

Restrictions of
Loans.

Loans to State.

First Meeting.

and the stock holders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine: And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided however*, that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, in mortgage or on execution, to any amount as security for, or in payment of any debts due to the said corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as part of said capital; and to return a certificate thereof to the Governor. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SECT. 3. *Be it further enacted*, That said bank shall be established and kept in Boston.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time; reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as

soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers, as they may see fit to choose.

By-Laws.

Choice of Officers.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

State Subscriptions.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock, actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

State Directors.

SECT. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

Cashier to give bonds.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

State Tax.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited, or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other incorporated bank within this Commonwealth, for any less sum, than the nominal value expressed in such bill or note.

Original amount of Bills altered to be paid.

SECT. 11. *Be it further enacted*, That the capital stock of the said bank, shall not be sold, or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act: And in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 20, 1822.]

Validity of Act.

Chap. 91. An ACT to incorporate the President, Directors and Company of the Eagle Bank

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Henry Gray, Joseph Balch, William Goddard, Abbot Lawrence, John A. Lowell, Elisha Brigham, Nathaniel Curtis, Enoch Silsby, Benjamin Thompson, Joshua Blake, Titus Welles, and Robert Waterson, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Eagle Bank; and shall so continue from the thirteenth day of April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided however*, that the amount of bills issued from the bank, at any time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Restrictions.

1811 ch. 84.

Proviso.

Condition of
Loans.

Transfer of
Stock.

May hold Real
Estate.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following; that is to say: one fourth part thereof, on or before the first day of May next; one fourth part thereof, on or before the first day of August next; one fourth part thereof, on or before the first day of November next; and the residue on or before the first day of February next. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of five hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding in the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose, and convey the same, by deed under the seal of said corporation, and signed by the President or two of the Directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that no-

thing herein contained shall restrain or prevent said corporation from taking or holding real estate, in mortgage or on execution, to any amount, as security for, or in payment of any debt due to the said corporation: *And provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as part of said capital stock; and to return a certificate thereof to the Governor.

Examination
of Capital.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Boston.

Location.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

Restriction of
State Loan.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

By-Laws.

Choice of Officers.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the legislature, made and established.

State Subscriptions.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation,

State Direc-
tors.

in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

Bonds of
Cashier.

SECT. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

State Tax.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Original
amount of Bills
altered to be
paid,

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or any other incorporated bank within this Commonwealth, for any less sum than their nominal value, expressed in such bill or note.

Validity of
stock.

SECT. 11. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 21, 1822.]

Chap. 93.

An ACT to incorporate the Town of Monroe.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that tract of land called the Gore, lying north of Florida, being bounded west by Clarksburgh, and north by Vermont line, together with all that part of Rowe lying west of Deerfield River, and extending to the middle of said river, be, and hereby is incorporated as a town, by the name of Monroe, and be annexed to the County of Franklin; and the inhabitants of said town of Monroe, are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Powers and
privileges.

Arrears of
taxes to be
paid.

SECT. 2. *Be it further enacted*, That the inhabitants of the town of Monroe shall be holden to pay the arrears of all state, county, and town taxes, which have been legally assessed upon them, together with their proportion of all debts due from the said town of Rowe, prior to the date of this act.

And the said town of Monroe shall be entitled to receive their proportion of the debts and taxes due to the said town of Rowe, when collected and paid into the treasury of said town; and the said town of Monroe shall be entitled to hold their proportion, according to the present valuation, of all the real and personal property, belonging to the town of Rowe, before the passing of this act.

Proportion of
the debts.

SECT. 3. *Be it further enacted*, That the said town of Monroe shall be holden to support their proportion of the poor of the town of Rowe, which are now chargeable to said town; which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable, as paupers, to the said towns of Rowe and Monroe, shall be considered as belonging to that town, on the territory of which, they had their settlement, at the time of the passing of this act, and shall in future be chargeable to that town only.

Provision for
the poor.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the County of Berkshire, is hereby empowered, upon application therefor, to issue a warrant directed to a freehold inhabitant of the said town of Monroe, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers, as towns are by law, authorized to choose and appoint at their annual town meetings. [Feb. 21, 1822.]

Meetings.

An Act for the preservation and regulation of the Fishery in the towns of Fairhaven, New Bedford, Dartmouth, and Westport.

Chap. 97.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of March next, it shall not be lawful for any person living without the jurisdiction of this Commonwealth, to take any lobsters, tautog, bass, or other fish, within the harbors, streams, or waters of the towns of Fairhaven, New Bedford, Dartmouth, and Westport, for the purpose of carrying away from said waters, in smacks or vessels owned without the Commonwealth, of any size, nor any owned within this Commonwealth, over fifteen tons; and any and every person offending against the provisions of this act, shall forfeit and pay the sum of ten dollars for every offence, and also forfeit all the fish and lobsters so taken.

Forfeitures for
illegal fishing.

SECT. 2. *Be it further enacted*, That the waters and shores of said towns of Fairhaven, New Bedford, Dartmouth, and Westport, shall be considered and taken, by this act, to extend from the line of the State of Rhode Island to the line of the County of Plymouth, including all the waters, islands and rocks, lying within one mile of the main land.

Boundaries.

SECT. 3. *Be it further enacted*, That all fines and forfeitures which may be incurred for offences against this act, shall be, one half to him or them, who may first sue for the same, and the other half to the use of the town, to which the complainant belongs; and the said fines and forfeitures may be recov-

Division of
fines.

ered, with legal costs of suit, by action of debt or information, before any Justice of the Peace for the County of Bristol; and any person or persons aggrieved at the sentence of the Justice of the Peace, given in pursuance of this act, may appeal therefrom to the next Court of Common Pleas to be holden in the county, in which judgment may be rendered. [Feb. 22, 1822.]

Chap. 100.

An ACT to incorporate the President, Directors and Company of the City Bank.

Persons incor-
porated.

Restrictions,
&c.

1811 ch. 84.

Proviso.

Amount of
bills to be is-
sued.

Capital Stock.

Instalments.

Transfers.

May hold real
estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William B. Swett, Amos Binney, John French, Thomas Cordis, and Theodore Wright, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the City Bank; and shall so continue from the third Wednesday of April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one: And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided however,* that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following; that is to say: one fourth part thereof, on or before the first day of May next; one fourth part thereof, on or before the first day of August next; one fourth part thereof, on or before the first day of November next, and the residue, on or before the first day of February next: And no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time: with power

to bargain, sell, dispose, and convey the same, by deed under the seal of said corporation, and signed by the president, or two of the directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable. *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage or on execution, to any amount as security for, or in payment of any debts due to the said corporation: *And provided, further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Governor. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Examination
of Capital.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in Boston. Location.

SECT. 4. *Be it further enacted*, That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum. *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

State Loans.

SECT. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers, as they shall see fit to choose.

First Meeting.

By-laws.

SECT. 6. *Be it further enacted*, That the Commonwealth

shall have a right, whenever the legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the legislature, made and established.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors, by law, to be chosen by the stockholders, the legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock, actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

SECT. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the board of directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have actually been paid in.

SECT. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other incorporated bank within this Commonwealth, for any less sum, than the nominal value expressed in such bill or note.

SECT. 11. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void. [Feb. 23, 1822.]

Chap. 102.
1812 ch. 27.

An Act in addition to an Act, entitled "An Act to prevent the destruction of the Lobster Fishery, in the town of Provincetown."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of May next, it shall not be lawful for any person to take any lobsters, within the waters and shores of the town of Provincetown, as defined and described in the Act, entitled "An Act to prevent the destruction

(1812 ch. 27.)

of the lobster fishery, in the town of Provincetown, in the county of Barnstable, and to preserve and regulate the same, in the waters and the shores of said town," for the purpose of carrying away the same from said waters, in any smack or vessel whatever, of more than fifteen tons burthen; or for the purpose of putting the same on board any such smack or vessel, to be transported to any place, without first obtaining a permit, in writing, from the selectmen of said town; which they are hereby authorized to grant to any person, for such sum, paid to the use of said town, and on such conditions as they shall think proper. And every person offending against any of the provisions of this Act, shall, for every such offence, forfeit and pay the sum of ten dollars; and in case the number of lobsters, so unlawfully taken or found on board any such smack or vessel, shall exceed one hundred, such person shall, in addition to such penalty, forfeit and pay a further sum of ten dollars for each hundred lobsters, so taken or found; and in that proportion for a larger or smaller number over the first hundred.

Permits to be granted.

Fines.

SECT. 2. *Be it further enacted*, That all forfeitures incurred by any breach of this Act, shall enure, one half thereof to him or them, who shall sue for the same, and the other half to the use of the said town of Provincetown; and the same shall be recovered, with legal costs of suit, by an action of debt, in any court proper to try the same; and no person shall be disqualified from giving evidence in any such action, by reason of his being an inhabitant of said town. [Feb. 23, 1822.]

Suits may be sustained for breaches of this law.

An ACT to annex George Fairbanks and others, to the North Parish in Wrentham.

Chap. 103.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George Fairbanks, Solomon Blake, Benjamin Blake, Ambrose Boyden, and Daniel Blake, junior, with their estates, be, and they hereby are set off from the first parish, and annexed to the north parish, in the town of Wrentham. [Feb. 23, 1822.]

Persons set off.

An ACT to incorporate the Manufacturers' Insurance Company, in Boston.

Chap. 105.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer T. Andrews, John Burnstead, Samuel Billings, George Bond, Seth Knowles, John Williams, Isaac Parker, John French, Jesse Putnam, Benjamin Rich, and Amos Binney, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Manufacturers' Insurance Company; with power to insure manufactories, and other buildings and property, against fire; and to be governed and controlled by the provision contained in a law of this Commonwealth, entitled "An Act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as they may apply to a corporation established for the sole purpose of insuring against the risk of fire; and with authority to make insurances against fire, on buildings, machinery, and stock, em-

Persons incorporated.

Privileges.

(1817 ch. 120.)

Limitation of act.	<p>employed in manufacturing, and on dwelling houses, and all other buildings and property, liable to be burned or injured by fire, for and during the term of twenty years after the passing of this Act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real, or personal, for the use of said company; <i>provided</i> their real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.</p>
General powers. May hold real estate.	<p>SECT. 2. <i>Be it further enacted</i>, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, sixty-six and two-thirds per centum of which, shall be paid in money, within ninety days after the first meeting of said company, and the residue thereof, within two years from the passing of this Act, in such instalments, and under such penalties, as the president and directors shall, in their discretion, direct and appoint.</p>
Corporate shares.	<p>SECT. 3. <i>Be it further enacted</i>, That the property, affairs, and concerns of said company, shall be managed and conducted by twelve directors, one of whom, shall be president thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth at the time of their election, which shall be on the second Tuesday of January, in every year, at such time of the day, and place in Boston, as a majority of the directors, for the time being, shall appoint; notice of which election, shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballot, and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; <i>provided</i>, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy. And if, from any cause, the directors shall not be chosen on the second Tuesday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.</p>
Directors.	<p>SECT. 4. <i>Be it further enacted</i>, That the said directors shall meet as soon as may be, after every election, and choose from their own board, one person to be president, who shall be sworn to the faithful discharge of the duties of his office; and every vacancy in the office of president or directors, that may occur in the interim of the annual meetings, may be filled by a special election, in the manner herein prescribed for the annual elections.</p>
Annual meeting.	<p>SECT. 5. <i>Be it further enacted</i>, That the president and three directors, or four directors in the absence of the president, shall be a board competent to transact the business of the company; and all questions before them shall be decided by a majority of the board; and they shall have power to make such rules and by-laws, as they may deem proper for the management of the affairs, and security of the property of said company, and</p>
Condition of votes.	
Officers to be chosen, and vacancies filled.	
By-laws.	

have power to appoint a secretary, and such other officers, as they think expedient, and make such compensation as they may deem adequate to the services performed: *Provided*, that such rules and by-laws be not repugnant to the laws of this Commonwealth.

Compensation
to officers.

SECT. 6. *Be it further enacted*, That any two of the persons named in this Act, are hereby authorized to call a first meeting of said company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting; and in case this Act shall not be put into operation, within one year from the passing thereof, the same shall be void.

First meeting.

SECT. 7. *Be it further enacted*, That the said company shall never take on any one risk, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this Act. [Feb. 23, 1822.]

Limitation of
risks.

An ACT to set off certain persons from Dudley, and annex them to Southbridge, in the county of Worcester.

Chap. 106.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Otis Ammidown, Caleb Ammidown, Thomas Cheney, Joel Cheney, Jera Mansfield, Charles Cheney, and Hiram Cheney, together with their estates, shall be, and hereby are set off from Dudley, and annexed to the town of Southbridge; to enjoy all the privileges and immunities of the inhabitants of Southbridge; bounded as followeth: beginning at the Great Monument, on the line between said Dudley and Southbridge; from thence north, twenty-four degrees east, two hundred and forty rods, to a corner of Caleb Ammidown's land; thence north, twenty-two degrees east, thirty-two rods; thence north, ten degrees east, two hundred and thirty rods, to Quinabaug river, so called; thence up said river, one hundred and one half rods, to a chestnut tree on the bank of said river; thence north, four degrees west, one hundred and sixty-six rods; thence north, nine and one-fourth degrees east, two hundred and sixty rods, to a black oak tree, on Southbridge north line.

Persons set off.

Boundaries.

SECT. 2. *Be it further enacted*, That the town of Southbridge shall maintain all persons who heretofore have, now are, or may hereafter, gain a settlement in the above mentioned premises, and may become chargeable to any town in this Commonwealth.

Settlement of
poor.

SECT. 3. *Be it further enacted*, That the persons aforesaid shall pay all taxes that now are assessed on the town of Dudley, agreeably to the valuation of the premises aforesaid; and the town of Southbridge shall maintain and keep in repair, one third part of the Vinton Bridge, so called, in Dudley, forever; *provided*, the persons before mentioned, shall have the same privilege of the inhabitants of Dudley, to obtain materials to repair the same. [Feb. 23, 1822.]

Support of
bridge.

Chap. 109. An ACT to regulate the Administration of Justice within the County of Suffolk, and for other purposes.

Provisions respecting the town of Chelsea.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of Chelsea shall continue to be a part of the county of Suffolk, for all purposes relating to the administration of justice, as though this Act had not been passed, excepting that the town of Chelsea shall not be liable to taxation for any county purposes, until the Legislature shall otherwise order; and excepting also, as herein after provided, concerning the jurisdiction of Justices of the Peace. That the Court of Common Pleas in the county of Suffolk, shall have jurisdiction in all matters and things, which, in relation to the town of Chelsea, or the inhabitants thereof, were cognizable by the Court of Sessions in the county of Suffolk, before the passing of this Act.

Police Court established.

SECT. 2. *Be it further enacted,* That there shall be, and hereby is established within and for the city of Boston, a Police Court, to consist of three learned, able, and discreet persons, to be appointed and commissioned by the Governor, pursuant to the constitution, and the senior justice shall preside in said court; and a court shall be held daily, at nine of the clock, A. M. and at three of the clock, P. M. by some one, or more of said justices, and at any other times when necessary, to take cognizance of all crimes, offences, and misdemeanors, whereof Justices of the Peace may take cognizance by law, and of all offences which may be cognizable by one or more of said justices, according to the by-laws, rules, and regulations which may be established by the proper authority of the city of Boston. And the court hereby constituted shall hear and determine all suits, complaints, and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are, or may be vested in Justices of the Peace; and do all such acts necessary to, or consistent with, such powers and authority, reserving to any party aggrieved an appeal, in like manner as appeals may be claimed in all other cases: *Provided always,* That no one of said justices shall be of counsel, or attorney, to any party, in any matter or thing whatsoever, which may be pending before said justices, or either of them.

Powers of the Court.

May commit to the House of Industry.

1822 ch. 56.

And House of Correction.

1822 ch. 32.

Also persons selling liquor without license.

1823 ch. 25.

Returns of warrants issued by Justices of the Peace.

SECT. 3. *Be it further enacted,* That all warrants issued by said justices, or either of them, or by any Justice of the Peace within the city of Boston, shall be made returnable, and be returned, before the said Police Court: *Provided always,* That no process returnable before a Justice of the Peace residing in said town of Chelsea, except for causes of complaint arising in Chelsea, shall be served within the city of Boston. And if any warrant shall be issued by any Justice of the Peace, who is not one of the justices of the said Police Court, the lawful fees payable therefor shall not be paid nor allowed, unless, on the examination or hearing before said Police Court, it shall appear to said court, that there was just and reasonable cause for issuing said warrant; in which case, such fees,

costs, and charges, shall be allowed and taxed, in like manner, as though said warrant had been issued by a Justice of the Peace, according to the law now in force.

SECT. 4. *Be it further enacted*, That the said justices of said court shall severally receive, in full compensation for all services herein before assigned to them, such salary, annually, payable out of the treasury of the city of Boston, as the city council shall fix and determine, payable quarter yearly; the said annual salary shall include, and be payment in full, not only for the services rendered by the said justices, in all prosecutions, suits and complaints, but also in full for all other services required of them by this Act, excepting when acting as members of the board of accounts, as herein after provided for.

Salaries of justices of the court.

SECT. 5. *Be it further enacted*, That there shall be a clerk of said Police Court, to be appointed and commissioned by the Governor, with the advice of Council, and removable by the same authority, whose duty it shall be to attend every court held by the said justices of the said Police Court, or either of them, and to record all proceedings therein had, and to make out all warrants and processes, which the said justices, or either of them, may order; to tax all bills of cost, and receive all fines, penalties, and costs; and to exhibit, quarter yearly, to the board of accounts, hereinafter established, a particular account of all sums of money by him received as such clerk, and shall pay over all sums, by him so received, to the city treasurer, immediately after his accounts shall have been examined and certified by said board of accounts; and the accounts so exhibited, from time to time, shall be recorded by the city treasurer, in a book to be by him kept for that purpose, when the same, with the certificate of allowance thereof, by said board, shall be exhibited to him by said clerk, and the said accounts shall be filed and safely kept by said treasurer. That the said clerk shall be sworn to the faithful performance of his duty, and shall give bond, with one or more surety or sureties, to the acceptance of the said city treasurer, for the faithful performance of the duties of his office, in such penalty as the city council shall determine; and the said clerk shall receive from the city treasury such annual compensation, payable quarter yearly, as the city council shall fix and determine, and no other compensation whatever. That the said clerk shall not advise with, nor be of counsel, nor attorney, to any party in any suit, complaint or process whatsoever, pending, or to be brought before said court; and shall be removable for any Act by him done in contravention of this provision. The said clerk is hereby authorized and empowered, with the consent and approbation of the justices of said court, to employ, if it be found necessary so to do, one or more assistant clerks; but the said clerk shall be responsible for all persons by him so employed; and the said city council may allow to such assistant clerk, or clerks, a reasonable and just compensation, payable out of the city treasury, on the certificate of the said board of accounts, that such assistant clerk or clerks

Clerk of Police Court and his duty.

To give bond and be sworn.

1822 ch. 12.

His pay.

Not to be of counsel;

May employ assistant clerks.

Proviso.

were necessarily employed: *Provided always*, That the said clerk of said Police Court shall take all lawful fees for copies which he may make out and certify, at the request of any party or person, and shall endorse thereon, the amount of said fees, and account for all fees by him so received, to the city treasurer.

Justices court and its jurisdiction.

SECT. 6. *Be it further enacted*, That a court shall be held by one or more of said justices, on two several days in each week, and as much oftener as may be necessary, to be called and styled the Justices' Court for the county of Suffolk; which court shall have original, exclusive jurisdiction and cognizance of all civil suits and actions, which before, and until the passing of this Act, might by law be heard, tried and determined before any Justice of the Peace, within and for the county of Suffolk; and an appeal shall be allowed from all judgments in said Justices' Court, in like manner as appeals are now allowed by law, from judgments of Justices of the Peace in civil actions, in the said county of Suffolk. All writs, and summons, and processes, may be tested by either of the justices of said court.

Repealed—
1822 ch. 12.

And it shall be the duty of said justices to keep a true and faithful account of all fees respectively received by them in civil suits and actions, and to render a just and true account thereof, on oath, quarter yearly, to the board of accounts; and all sums of money, by them so received, shall be accounted for, and paid into the city treasury: and it shall be the duty of such justice to make a true and faithful record, according to law, of his proceedings in every trial and process of a civil nature, which may be had before him.

Court to establish rules for conducting their business—

That all the justices of the said court shall, from time to time, assemble, to establish all necessary rules for the orderly and uniform conducting of the business of said courts, both of civil and criminal jurisdiction, and to agree upon the manner and course, in which they shall respectively perform the duties by this Act assigned to them, so as to ensure a constant, prompt and punctual performance thereof, and to equalize the same, as near as may be, among themselves. And the said justices, when assembled, shall have power to discharge from prison any person or persons, who may be there held for no other cause than the non-payment of fine and costs, if it shall appear to said justices that such person or persons are poor and unable to pay the same: *Provided always*, That when such person or persons are held under sentence of the Municipal Court, that the assent of the judge of that court, that such person or persons shall be discharged, shall be first given.

—may discharge prisoners held for non-payment of fine and costs only.

Suits pending before justices not to be affected.

SECT. 7. *Be it further enacted*, That all suits, actions and prosecutions, which shall be instituted, and which shall be pending before any Justice of the Peace, within the county of Suffolk, at the time when the said Police Court, and the said Court of the Justices of the county of Suffolk, shall have been organized, and shall have been duly qualified to perform the duties hereby assigned to said courts, shall be heard and determined as though this Act had not been passed.

Common Pleas to exercise powers of Sessions as to streets, &c.

SECT. 8. *Be it further enacted*, That the Court of Common Pleas, holden within and for the county of Suffolk, shall have, exercise, and perform all the powers and duties, which, before the passing of this Act, were by law had, exercised, and per-

formed by the Court of Sessions in said county, with regard to streets and ways, and with regard to all other suits, processes, and proceedings whatsoever, in which a trial by jury may be had or required; and such trial shall be had at the bar of said Court of Common Pleas, in the same manner as other civil causes are there tried, by the jurors there returned and empannelled; and the jury, to whom such cause may be committed, shall be taken to view the place in question, if either party shall request it. And all suits and processes, pending in said Court of Sessions, at the passing of this Act, whereof cognizance and jurisdiction is hereby given to the said Court of Common Pleas, shall be transferred to, and heard and determined in the said Court of Common Pleas, as though the same had been originated or instituted in said court, in pursuance of this Act.

Transfer of suits.

SECT. 9. *Be it further enacted*, That the judge of Probate for the county of Suffolk, and the judge of the Municipal Court of the town or city of Boston, and the said justices of the Police Court, shall be, and they hereby are constituted a Board of Accounts; and the said board shall assemble quarter yearly, and as much oftener as may be found necessary, and when so assembled, shall have power, and it shall be their duty, to adjust, liquidate, examine, and allow, all bills of costs, accounts and charges, which may be made, or which may arise in the course of proceedings in the said Police Court, and in the Municipal Court, and in the maintenance and keeping of the prisoners in the gaol of the county of Suffolk, and of all other charges and expenses in keeping said gaol, and of all other places of confinement and punishment, within the city of Boston; and the said board of accounts shall certify that said accounts, charges, and expenses have been examined and allowed by them; and the certificate of such examination and allowance shall be endorsed on the accounts exhibited to said board, and shall be addressed to the public officer, by whom such charges, fees and expenses may be payable by law.

Board of Accounts, how constituted, and their powers.

SECT. 10. *Be it further enacted*, That the said judges and justices are empowered, and it is hereby made their duty, to assemble quarter yearly, and proceed to inspect the gaol in the county of Suffolk, and all other places of confinement and punishment for crimes, offences, or non-payment of fines or debts, and to make report of their proceedings to the mayor and aldermen of the city of Boston, and therein to state all grievances, mismanagements and negligences, which they may find to exist; and therein to suggest such changes and improvements, as to them may seem wise and expedient. Any three or more of said justices and judges shall constitute a quorum for the performance of the duties hereby assigned to them. And the said judges and justices shall be entitled to have and receive, out of the city treasury, the sum of three dollars respectively, for each and every day which may be by them devoted to the performance of the duties hereby assigned to them.

Board to examine prisons and report to mayor and aldermen.

Three a quorum.

Their pay.

SECT. 11. *Be it further enacted*, That the Court of Sessions, within and for the county of Suffolk, be, and the same is here-

Court of Sessions in Suffolk abolished.

by abolished: And the mayor and aldermen of the city of Boston, for the time being, shall have all the powers, and perform all the duties, which before and until the passing of this Act, were had and performed by the Court of Sessions, excepting as otherwise provided for by this Act, or any other Act relating to the transfer of the powers heretofore vested in said Court of Sessions.

Treasurer. SECT. 12. *Be it further enacted*, That the treasurer of the city of Boston shall be, *ex officio*, treasurer of the county of Suffolk, and shall keep all such books as may be proper and necessary, as treasurer of the city of Boston, and as treasurer of the county.

Assessment of taxes.
See 1822 ch. 35. SECT. 13. *Be it further enacted*, That all taxes, which may be assessed for city or county purposes, within the city of Boston, may be assessed separately, as county taxes and as city taxes, or under the denomination of city taxes only, as the city government may see fit, from time to time, to order and direct.

Auditors. SECT. 14. *Be it further enacted*, That the city government of the city of Boston shall have power and authority to provide for the appointment and compensation of one or more auditors, and of one or more clerks in the treasury department, as said government may find to be necessary or convenient.

Places for holding courts to be provided. SECT. 15. *Be it further enacted*, That it shall be the duty of the mayor and aldermen of the city of Boston, to provide convenient and proper places for the holding of the courts by this Act established.

Acts repealed. SECT. 16. *Be it further enacted*, That this Act shall go into operation on and after the first day of June next; and that all Acts and parts of Acts, which are repugnant to the provisions of this Act, be, and the same are hereby repealed.

Conditional clause.
1821 ch. 110. SECT. 17. *Be it further enacted*, That this Act shall be of no force or effect, unless a certain Act passed at the present session, entitled "An Act establishing the City of Boston," shall be accepted by the inhabitants of the town of Boston, pursuant to the provision therein made. And in case said Act shall be so accepted, and that fact certified to his Excellency the Governor, by the selectmen of the town of Boston, his Excellency is hereby authorized to announce the same by proclamation; whereupon this Act shall be in full force, and go into operation at the time herein before limited. [Feb. 23, 1822.] Add. act—1822 ch. 12.

Chap. 110.

An Act establishing the City of Boston.

City, and its rights, powers, &c. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Boston, for all purposes, for which towns are by law incorporated, in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the City of Boston, and as such, shall have, exercise, and enjoy, all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertain-

ing to said town, as a municipal corporation. And the administration of all the fiscal, prudential, and municipal concerns of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the mayor; one select council, consisting of eight persons, to be denominated the board of aldermen; and one more numerous council, to consist of forty-eight persons, to be denominated the common council; which boards, in their joint capacity, shall be denominated the city council, together with such other board of officers, as are herein after specified. City officers.

SECT. 2. *Be it further enacted*, That it shall be the duty of the selectmen of Boston, as soon as may be, after the passing of this Act, to cause a new division of the said town to be made into twelve wards, in such manner as to include an equal number of inhabitants in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward; including, in such computation of numbers of inhabitants, persons of all descriptions, and taking the last census, made under the authority of the United States, as a basis for such computation. And it shall be in the power of the city council, herein after mentioned, from time to time, not oftener than once in ten years, to alter such divisions of wards, in such a manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward. To be divided into 12 wards.

SECT. 3. *Be it further enacted*, That on the second Monday of April, annually, the citizens of said city, qualified to vote in city affairs, shall meet together, within their respective wards, at such time and place, as the mayor and aldermen may, by their warrant, direct and appoint; and the said citizens shall then choose by ballot one warden and one clerk, who shall be resident in said ward, who shall hold their offices for one year, and until others shall be appointed in their stead. And it shall be the duty of such warden to preside at all meetings of the citizens of such ward, to preserve order therein; and it shall be the duty of such clerk to make a fair and true record, and keep an exact journal of all the acts and votes of the citizens, at such ward meetings; to deliver over such records and journals, together with all other documents and papers held by him, in his said capacity, to his successor in such office. And if, at the opening of any annual meeting, the warden of such ward should not be present, the clerk of such ward shall call the citizens to order, and preside at such meeting until a warden shall be chosen by ballot. And if, at any other meeting, the warden shall be absent, the clerk, in such case, shall so preside, until a moderator or warden, *pro tempore*, shall be chosen; which may be done by nomination and hand vote, if the clerk so direct. At such meeting also, five inspectors of elections shall be chosen for such ward, being residents therein, by ballot, to hold their offices for one year. And it shall be the duty of the warden and inspectors, in each ward, to receive, sort, count and declare all votes, at all elections within such ward. And the warden, clerk, and inspectors, so chosen, Election of city officers.

Duty of warden and clerk.

Inspectors of elections.

Duties of inspectors.

shall respectively be under oath, faithfully and impartially to discharge their several duties, relative to all elections; which oath may be administered, by the clerk of such ward, to the warden, and by the latter, to the clerk and inspectors, or by any Justice of the Peace of the county of Suffolk; and a certificate of such oaths having been administered shall be entered in the record or journal, to be kept by the clerk of such ward.

Powers of warden.

SECT. 4. *Be it further enacted*, That the warden or other presiding officer of such ward meeting, shall have full power and authority to preserve order and decorum therein, and to repress all riotous, tumultuous, and disorderly conduct therein, and for that purpose, to call to his aid, any constable, or other peace officer, and also to command the aid and assistance of any citizen or citizens, who may be present; and any peace officer, or other citizen, neglecting or refusing to afford such aid, shall be taken and deemed to be guilty of a misdemeanor. And such warden shall also have power and authority, by warrant, under his hand, to cause any person or persons, who shall be guilty of any riotous, tumultuous, or disorderly conduct at such meeting, to be taken into custody, and restrained: *Provided however*, That such restraint shall not continue after the adjournment or dissolution of such meeting: *And provided further*, That the person, so guilty of such disorderly conduct, shall be liable, notwithstanding such restraint, to be prosecuted and punished, in the same manner, as if such arrest had not been made.

Provisos.

Choice of mayor.

SECT. 5. *Be it further enacted*, That the citizens of said city, qualified to vote in city affairs, at their respective ward meetings, to be held on the second Monday in April, annually, shall be called upon to give in their votes for one able and discreet person, being an inhabitant of the city, to be mayor of said city, for the term of one year. And all the votes so given in, in each ward, being sorted, counted, and declared by the warden and inspectors of elections, shall be recorded at large, by the clerk, in open ward meeting; and in making such declaration and record, the whole number of votes or ballots, given in, shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively; such numbers to be expressed in words at length; and a transcript of such record, certified and authenticated by the warden, clerk, and a majority of the inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk, to the clerk of the city. And it shall be the duty of the city clerk, forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the mayor and aldermen, or some other book to be kept for that purpose. And it shall be the duty of the mayor and aldermen to meet together, within two days after such election, and to examine and compare all the said returns, and to ascertain whether any person has a majority of all the votes given for mayor: And in case a majority is so given, it shall be their duty to give notice thereof, in writing, to the person thus elect-

Returns of votes.

Examination of votes.

ed, and also to make the same known to the inhabitants of said city. But if, on such an examination, no person appears to have a majority of all the votes given for mayor, the mayor and aldermen, for the time being, shall issue their warrants for meetings of the respective wards, for the choice of a mayor, at such time and place, as they shall judge most convenient: And the same proceeding shall be had in all respects, as are herein before directed, until a mayor shall be chosen by a majority of all the voters, voting at such election. And in case of the decease, inability, or absence of the mayor, and the same being declared, and a vote passed by the aldermen and common council, respectively, declaring such cause, and the expediency of electing a mayor, for the time being, to supply the vacancy thus occasioned, it shall be lawful for the aldermen and common council to meet in convention, and elect a mayor to hold the said office until such occasion shall be removed, or until a new election.

Provision for new meeting in case no election is made at the first.

Provision in case of the death, absence, &c. of the mayor.

SECT. 6. *Be it further enacted*, That the citizens in their respective ward meetings, to be held on the second Monday of April, annually, shall be called upon to give in their votes for eight persons, being inhabitants of said city, to constitute the board of aldermen, for the ensuing year; and all the votes so given, being sorted, counted, and declared by the warden and inspectors, shall be recorded at large, by the clerk, in open ward meeting; and in making such declaration and record, the whole number of votes or ballots given in shall be particularly stated, together with the name of every person voted for, and the number of votes given for each person; and a transcript of such record, certified by the warden and clerk, and a majority of the inspectors of each ward, shall, by the said clerk, within two days, be transmitted to the city clerk; whereupon the same proceedings shall be had, to ascertain and determine the persons chosen as aldermen, as are herein before directed in regard to the choice of mayor, and for a new election, in case of the whole number required not being chosen at the first election. And each alderman, so chosen, shall be duly notified in writing of his election, by the mayor and aldermen for the time being.

Board of aldermen to be chosen annually.

SECT. 7. *Be it further enacted*, That the citizens of each ward, qualified to vote as aforesaid, at their respective ward meetings, to be held on the second Monday of April, annually, shall be called upon to give in their votes for four able and discreet men, being inhabitants of said ward, to be members of the common council: and all the votes given in as aforesaid, in each ward, and being sorted, counted, and declared by the warden and inspectors, if it appear that four persons have a majority of all the votes given at such election, a public declaration thereof, with the names of the persons so chosen, shall be made in open ward meeting, and the same shall be entered at large, by the clerk of such ward, in his journal, stating particularly the whole number of votes given in, the number necessary to make a choice, and the number actually given

Common council to be elected annually.

for each of the persons, so declared to be chosen. But, in case four persons are not chosen at the first ballot, a new ballot shall be opened for a number of common councilmen, sufficient to complete the number of four; and the same proceedings shall be had, as before directed, until the number of four shall be duly chosen: *Provided however*, That if the said elections cannot conveniently be completed on such day, the same may be adjourned to another day, for that purpose, not longer distant than three days. And each of the persons so chosen as a member of the common council, in each ward, shall, within two days of his election, be furnished with a certificate thereof, signed by the warden, clerk, and a majority of the inspectors of such ward; which certificate shall be presumptive evidence of the title of such person to a seat in the common council; but such council, however, shall have authority to decide ultimately upon all questions relative to the qualifications, elections and returns of its members.

Proviso for adjournment of meeting.

Qualification of electors.

SECT. 8. *Be it further enacted*, That every male citizen of twenty-one years of age and upwards, excepting paupers, and persons under guardianship, who shall have resided within the Commonwealth one year, and within the city six months next preceding any meeting of citizens, either in wards, or in general meeting, for municipal purposes, and who shall have paid by himself or his parent, master or guardian, any state or county tax, which, within two years next preceding such meeting, shall have been assessed upon him, in any town or district in this Commonwealth, and also every citizen who shall be, by law, exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote at such meeting, and no other person shall be entitled to vote at such meeting.

Officers to enter on their duties on 1st of May.

SECT. 9. *Be it further enacted*, That the mayor, aldermen, and common councilmen, chosen as aforesaid, shall enter on the duties of their respective offices on the first day of May, in each year, unless the same happen on a Sunday; and in that event, on the day following; and before entering on the duties of their offices, shall respectively be sworn, by taking the oath of allegiance and oath of office, prescribed in the constitution of this Commonwealth, and an oath to support the constitution of the United States. And such oaths may be administered to the mayor elect, by any one of the justices of the Supreme Judicial Court, or any judge of any court of record, commissioned to hold any such court, within the said city, or by any Justice of the Peace for the county of Suffolk. And such oaths shall and may be administered to the aldermen and members of the common council, by the mayor, being himself first sworn as aforesaid; and a certificate of such oaths having been taken, shall be entered in the journal of the mayor and aldermen, and of the common council, respectively, by their respective clerks.

Oath of office.

SECT. 10. *Be it further enacted*, That the mayor and aldermen, thus chosen and qualified, shall compose one board,

and shall sit and act together as one body, at all meetings, of which the mayor, if present, shall preside; but in his absence, the board may elect a chairman, for the time being. The said board, together with the common council, in convention, shall have power to choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, who shall be chosen for the term of one year, and until another person is duly chosen to succeed him; removable, however, at the pleasure of the mayor and aldermen; who shall be denominated the clerk of the city, and whose duty it shall be to keep a journal of the acts and proceedings of the said board, composed of the mayor and aldermen; to sign all warrants issued by them, and to do such other acts in his said capacity, as may, lawfully and reasonably, be required of him; and to deliver over all journals, books, papers and documents, entrusted to him as such clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the said mayor and aldermen. And the city clerk thus chosen and qualified, shall have all the powers, and perform all the duties, now by law, belonging to the town clerk of the town of Boston, as if the same were particularly and fully enumerated, except in cases where it is otherwise expressly provided.

Mayor and aldermen to act as one body.

General powers.

May be chosen Surveyors of Highways.

1823 ch. 2.

Duties of clerk.

SECT. 11. *Be it further enacted*, That the persons, so chosen and qualified, as members of the common council of the said city, shall sit and act together as a separate body, distinct from that of the mayor and aldermen, except in those cases in which the two bodies are to meet in convention; and the said council shall have power, from time to time, to choose one of their own members to preside over their deliberations, and to preserve order therein, and also to choose a clerk, who shall be under oath faithfully to discharge the duties of his office, who shall hold such office, during the pleasure of said council, and whose duty it shall be to attend said council, when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other services in said capacity, as said council may require. All sittings of the common council shall be public; also all sittings of the mayor and aldermen, when they are not engaged in executive business. Twenty-five members of the common council shall constitute a quorum for the transaction of business.

Common council to act as a separate body.

General powers.

Clerk to be chosen.

His duty.

SECT. 12. *Be it further enacted*, That the mayor of the said city, thus chosen and qualified, shall be taken and deemed to be the chief executive officer of said corporation; and he shall be compensated for his services by a salary, to be fixed by the board of aldermen and common council, in city council convened, payable at stated periods; which salary shall not exceed the sum of five thousand dollars annually, and he shall receive no other compensation or emoluments whatever; and no regulations enlarging or diminishing such compensation shall be made, to take effect until the expiration of the year, for which the mayor then in office shall have been elected. And it shall

Compensation of the mayor.

His duty--

be the duty of the mayor to be vigilant and active at all times, in causing the laws for the government of said city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as in his power, to cause all negligence, carelessness, and positive violation of duty, to be duly prosecuted and punished. He shall have power, whenever, in his judgment, the good of said city may require it, to summon meetings of the board of aldermen and common council, or either of them, although the meeting of said boards, or either of them, may stand adjourned to a more distant day. And it shall be the duty of the mayor, from time to time, to communicate to both branches of the city council all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of the said city.

--may call meetings of the city officers.

Powers of mayor and aldermen.

SECT. 13. *Be it further enacted*, That the administration of police, together with the executive powers of the said corporation generally, together also with all the powers heretofore vested in the selectmen of the town of Boston, either by the general laws of this Commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes, or by-laws of said town, shall be, and hereby are vested in the mayor and aldermen, as hereby constituted, as fully and amply as if the same were herein specially enumerated. And further, the said mayor and aldermen shall have full and exclusive power to grant licences to innholders, victuallers, retailers and confectioners, within the said city, in all cases wherein the Court of Sessions for the county of Suffolk, on the recommendation of the selectmen of Boston, have heretofore been authorized to grant such licenses; and in granting such licenses, it shall be lawful for the said mayor and aldermen to annex thereto such reasonable conditions in regard to time, places, and other circumstances, under which such license shall be acted upon, as, in their judgment, the peace, quiet and good order of the city may require. Also to take bonds of all persons so licensed, in reasonable sums, and with sufficient sureties, conditioned for a faithful compliance with the terms of their said licenses, and of all laws and regulations respecting such licensed houses: And said mayor and aldermen, after the granting of any such license, shall have power to revoke or suspend the same, if in their judgment the order and welfare of said city shall require it. And any person or persons who shall presume to exercise either of the said employments, within said city, without having first obtained a license therefor, or in any manner, contrary to the terms of said license, or after the same shall have been revoked or suspended, such person or persons shall be liable to the same penalties and forfeitures, and to be prosecuted for, in the same manner as now by law provided, in case of exercising either of said employment without license from the Court of Sessions, for the county of Suffolk; and shall also be taken and deemed to have forfeited their bonds, respectively given aforesaid, upon which suits may be instituted against such licensed persons or their sure-

To grant licences.

--and take bonds from persons licensed.

Forfeiture for acting as a taverner, &c. without license.

ties, at the discretion of the said mayor and aldermen, and in such manner as they may direct, for the purpose of enforcing such forfeiture: *Provided however*, That all innholders, retailers, confectioners, and victuallers, shall, on being licensed as aforesaid, pay the same sum now required by law; which sum shall be accounted for in the same way and manner as is now by law required.

SECT. 14. *Be it further enacted*, That the mayor and aldermen shall have power to license all theatrical exhibitions and all public shows, and all exhibitions of whatever name or nature, to which admission is obtained on payment of money, on such terms and conditions as to them may seem just and reasonable; and to regulate the same, from time to time, in such manner as to them may appear necessary to preserve order and decorum, and to prevent the interruption of peace and quiet. And any person or persons who shall set forth, establish or promote any such exhibition or show, or publish, or advertise the same, or otherwise aid or assist therein, without a license so obtained as aforesaid, or contrary to the terms or conditions of such license, or whilst the same is suspended, or after the same is revoked by said mayor and aldermen, shall be liable to such forfeiture, as the city council may, by any by-law made for that purpose, prescribe.

Mayor and aldermen may license theatrical exhibitions, &c. and regulate them.

SECT. 15. *Be it further enacted*, That all other powers now by law vested in the town of Boston, or in the inhabitants thereof, as a municipal corporation, shall be, and hereby are vested in the mayor and aldermen, and common council of the said city, to be exercised by concurrent vote, each board as hereby constituted, having a negative upon the other. More especially, they shall have power to make all such needful and salutary by-laws, as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the times therein respectively limited, without the sanction or confirmation of any court, or other authority whatsoever: *Provided*, That such by-laws shall not be repugnant to the constitution and laws of this Commonwealth: *And provided also*, That the same shall be liable to be annulled by the Legislature thereof. The said city council shall also have power, from time to time, to lay and assess taxes for all purposes, for which towns are by law required or authorized to assess and grant money, and also for all purposes, for which county taxes may be levied and assessed, whenever the city shall alone compose one county: *Provided however*, That in the assessment and apportionment of all such taxes upon the polls and estates of all persons liable to contribute thereto, the same rules and regulations shall be observed, as are now established by the laws of this Commonwealth, or may be hereafter enacted, relative to the assessment and apportionment of town taxes. The said city council shall also have power to provide for the assessment and collection of such taxes, and to make appropriations of all public monies,

By-laws.

Provisos.

Assessment of taxes.

Proviso.

Collection of taxes.

Assessors to be
chosen.

and provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof; and for these purposes, may either elect such assessors, and assistant assessors, as may be needful, or provide for the appointment or election of the same, or any of them, by the mayor and aldermen, or by the citizens, as in their judgment may be most conducive to the public good, and may also require of all persons entrusted with the collection, custody, or disbursement of public monies, such bonds with such conditions and such sureties, as the case may in their judgments require.

City council
may appoint
all necessary
city officers.
Choose direc-
tors of house-
industry.
1822 ch. 56.
—and superin-
tend public
buildings.

SECT. 16. *Be it further enacted*, That the said city council shall have power, and they are hereby authorized to provide for the appointment or election of all necessary officers, for the good government of said city, not otherwise provided for; to prescribe their duties, and fix their compensation, and to choose a register of deeds, whenever the city shall compose one county. The city council also shall have the care and superintendence of the public buildings, and the care, custody, and management of all the property of the city, with power to lease or sell the same, (except the Common, and Faneuil Hall,) with power also to purchase property, real or personal, in the name, and for the use of the city, whenever its interest or convenience may, in their judgment, require it.

Powers of
board of health
transferred to
city council.

SECT. 17. *Be it further enacted*, That all the power and authority now by law, vested in the Board of Health for the town of Boston, relative to the quarantine of vessels, and relative to every other subject whatsoever, shall be, and the same is hereby transferred to, and vested in the said city council, to be carried into execution by the appointment of health commissioners, or in such other manner as the health, cleanliness, comfort and order of the said city may in their judgment require, subject to such alterations as the legislature may from time to time adopt.

City treasurer
to be chosen.

SECT. 18. *Be it further enacted*, That the mayor and aldermen of said city, and the said common council shall, as soon as conveniently may be, after their annual organization, meet together in convention, and elect some suitable and trustworthy person to be the treasurer of said city.

Firewards.

SECT. 19. *Be it further enacted*, That the citizens, at their respective ward meetings, to be held on the second Monday of April, annually, shall elect, by ballot, a number of persons, to be determined by the city council, but not less than three in each ward, to be firewards of said city, who together shall constitute the board of firewards for said city, and shall have all the powers, and be subject to all the duties, now by law appertaining to the firewards of the town of Boston, until the same shall be altered or qualified by the legislature. And the said citizens shall, at the same time, and in like manner, elect one person in each ward, to be an overseer of the poor; and the persons thus chosen shall together constitute the board of overseers for said city, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Boston, until the same shall be al-

Overseers of
the poor.

tered or qualified by the legislature. And the said citizens shall, at the same time, and in like manner, elect one person in each ward, to be a member of the school committee, for the said city; and the persons so chosen shall, jointly with the mayor and aldermen, constitute the school committee for the said city, and have the care and superintendence of the public schools.

School committee.

SECT. 20. *Be it further enacted,* That all boards and officers, acting under the authority of the said corporation, and entrusted with the expenditure of public money, shall be accountable therefor to the city council, in such manner as they may direct. And it shall be the duty of the city council to publish and distribute, annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public monies, and a particular statement of all city property.

Expenditure of public money to be accounted for to city council.

SECT. 21. *Be it further enacted,* That in all cases in which appointments to office are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination; such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *Provided however,* that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who at the time of his appointment, shall be a member either of the board of aldermen or common council.

Mayor to nominate officers.

Proviso.

SECT. 22. *Be it further enacted,* That it shall be the duty of the two branches of the city council, in the month of May, in each year, after their annual organization, to meet in convention, and determine the number of representatives, which it may be expedient for the corporation to send to the General Court in such year, within its constitutional limits, and to publish such determination, which shall be conclusive; and the number thus determined shall be specified in the warrant calling a meeting for the election of representatives: and neither the mayor, nor any alderman, or members of the common council, shall, at the same time, hold any other office under the city government.

City council to fix the number of representatives to General Court.

SECT. 23. *Be it further enacted,* That all elections for Governor, Lieutenant Governor, Senators, Representatives, Representatives to Congress, and all other officers, who are to be chosen and voted for by the people, shall be held at meetings of the citizens, qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in, being collected, sorted, counted and declared, by the inspectors of elections, in each ward, it shall be the duty of the clerk of such ward to make a true record of the same, specifying therein the whole number of ballots given in, the name of each person voted for, and the number of votes for each, expressed in words at length. And a transcript of such record, certified by the warden, clerk, and a majority of the inspectors of elections in such ward, shall forthwith be transmitted or delivered by each ward clerk to the clerk of the city. And it shall be the duty

Ward meetings, for the choice of national and state officers:

Examination
and return of
votes.

PROVISO.*

of the city clerk forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, in the journals of the proceedings of the mayor and aldermen, or in some other book kept for that purpose. And it shall be the duty of the mayor and aldermen to meet together within two days after every such election, and examine and compare all the said returns, and thereupon to make out a certificate of the result of such election, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted, delivered, or returned, in the same manner as similar returns are by law directed to be made by the selectmen of towns; and such certificates and returns shall have the same force and effect in all respects, as like returns of similar elections, made by the selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected, shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, and the same proceedings shall be had in all respects as are herein before directed, until the whole number shall be elected: *Provided however*, That it shall be the duty of the selectmen of the said town of Boston, within twelve days from the passing of this Act, to call a meeting of the qualified voters of the said town to give in their ballots on the following question: Shall the elections for State and United States officers be holden in general meeting? And it shall be the duty of the selectmen to preside at the said meeting, to receive, sort, count and declare the votes given in, and to forward a certificate of the result to the Secretary of the Commonwealth, and publish the same in two or more of the newspapers printed in Boston; and if a majority of the votes so given in shall be in the negative, then the provisions of the preceding part of this section shall regulate the said elections in wards; but if a majority of the votes given in as aforesaid shall be in the affirmative, then the said elections for State and United State officers shall be holden in the manner prescribed by the constitution and laws of the Commonwealth, with the exception that the mayor and aldermen and city clerk shall perform the duties now required by law to be performed by the selectmen and town clerk.

Ward lists of
voters to be
made—

— and delivered to ward clerks for wardens' and inspectors' use at elections.

SECT. 24. *Be it further enacted*, That prior to every election of city officers, or of any officer or officers under the government of the United States or of this Commonwealth, it shall be the duty of said mayor and aldermen to make out lists of all the citizens of each ward, qualified to vote in such election, in the manner in which selectmen and assessors of towns are required to make out similar lists of voters, and for that purpose they shall have free access to the assessors' books and lists, and be entitled to the aid and assistance of all assessors, assistant assessors, and other officers of said city. And it shall be the duty of said mayor and alderman to deliver such list of the voters in each ward, so prepared and corrected, to the clerk of said ward, to be used by the warden and inspectors thereof at such election; and no person shall be entitled to vote at such

election, whose name is not borne on such list. And to prevent all frauds and mistakes in such elections, it shall be the duty of the inspectors, in each ward, to take care that no person shall vote at such election, whose name is not so borne on the list of voters, and to cause a mark to be placed against the name of each voter, on such list, at the time of giving in his vote.

None to vote
whose name is
not on the list.

SECT. 25. *Be it further enacted,* That general meetings of the citizens, qualified to vote in city affairs, may from time to time be held, to consult upon the common good, to give instructions to their representatives, and to take all lawful measures to obtain a redress of any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings shall and may be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters of said city.

General meet-
ings.

SECT. 26. *Be it further enacted,* That all warrants for the meetings of the citizens, for municipal purposes, to be had either in general meetings or in wards, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned at such time, and in such manner, as the city council may, by any by-law, direct and appoint.

Warrants for
meetings to be
issued by may-
or and alder-
men.

SECT. 27. *Be it further enacted,* That for the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Boston, for the time being, shall seasonably, before the second Monday of April next, issue their warrants for calling meetings of the said citizens, in their respective wards, qualified to vote as aforesaid, at such place and hour as they shall think expedient, for the purpose of choosing a warden, clerk, and five inspectors of elections, and also to give in their votes for a mayor and eight aldermen, for said city, and four common councilmen, three firewards, one overseer of the poor, and one member of the school committee, for each ward; and the transcripts of the records of each ward, specifying the votes given for mayor and aldermen, firewards, overseers, and members of the school committee, certified by the warden, clerk, and a majority of the inspectors of such ward, shall, at said first election, be returned to the said selectmen of the town of Boston, whose duty it shall be to examine and compare the same. And in case said elections shall not be complete at the first election, then to issue a new warrant, until such election shall be completed, and to give notice thereof, in the manner herein before directed, to the several persons elected. And at said first meeting, the clerk of each ward, under the present organization, shall call the citizens to order, and preside until a warden shall be chosen; and at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen of the town of Boston, for the time being, shall be delivered to the clerk of each ward, to be used as herein before directed.

Form of or-
ganizing the
city.

Return of
votes.

SECT. 28. *Be it further enacted,* That so much of the act heretofore passed, relative to the establishment of a board of

Repeal of acts

health for the town of Boston, as provides for the choice of members of the said board, and so much of the several acts relative to the assessment and collection of taxes within the town of Boston, as provides for the election of assistant assessors, also all such acts, and parts of acts, as come within the purview of this act, and which are inconsistent with, or repugnant to the provisions of this act, shall be, and the same are hereby repealed.

SECT. 29. And whereas by the laws of this Commonwealth, towns are authorized and required to hold their annual meetings, some time in the months of March or April, in each year, for the choice of town officers; and whereas, such meeting, in the month of March, in the present year, for the town of Boston, would be useless and unnecessarily burthensome: Therefore,

March meet-
ings suspended.

Be it further enacted, That the annual town meetings, in the months of March or April, be suspended, and all town officers now in office shall hold their places until this act shall go into operation.

Legislative
controul.

SECT. 30. *Be it further enacted,* That nothing in this act contained shall be so construed as to restrain or prevent the Legislature from amending or altering the same, whenever they shall deem it expedient.

Conditional
clause.

SECT. 31. *Be it further enacted,* That this act shall be void, unless the inhabitants of the town of Boston, at a legal town meeting, called for that purpose, shall, by a written vote, determine to adopt the same within twelve days. [*Feb. 23, 1822.*]

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